Women in Congregational Prayers

(including the growing trend of women's ʿīd in the park)

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(INCLUDING THE GROWING TREND OF WOMEN'S ʿĪD IN THE PARK)

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Foreword

BY HIS EMINENCE SHAYKH
MAWLĀNĀ AḤMAD SHAFĪ' (B. 1340/1922)
KHALĪFAH OF SHAYKH AL-ISLAM MAWLĀNĀ SAYYID
ḤUSAYN AḤMAD MADANĪ (D. 1377/1957)

TRIBULATIONS (*fitan/fitnahs*) are nowadays on a gradual increase everywhere. Muslims are today victims of the deception of the eternal enemies of Islām and are divided into more than a hundred groups. These enemies of Islām have established hundreds of their agendas within the Muslim nation. Consequently, the Muslim nation has lost unity, friendship and mutual love and, instead, there exists ill-feeling and suspicion.

A major tribulation (*fitnah*) of today is the spreading of confusion under the guise of following ḥadīth. Simple-minded faithful are being led astray by these enemies of Islām under the name of following authentic ḥadīths. They are rejecting the many centuries' old heritage of the legal schools (madhhabs), which are based on the Qur'ān and Sunnah. Even the western countries have not been spared by their tribulation (*fitnah*).

In recent years, individuals who are scholars only in name, have been calling women in England and some other western countries to join the five times congregational prayers and ʿĪd prayers. They themselves are joining these women there. We are even hearing that women are being called to observe iʿtikāf of the final ten days and nights of the month of Ramaḍān in the masjid. Mufti Kifāyatullāh Dehlawī (may Allāh have mercy on him) has written a very valuable and evidence-based treatise on this subject, which is entitled *Kaff al-Muʾminātʿan Ḥuḍūr al-Jamāʿāt*. Our student, Mawlānā Badrul Islam

(may Allāh grant him peace and safety), of the Sunamganj district and resident in England, has, in countering this tribulation (*fitnah*), rendered a translation of this treatise in plain English. I have had the opportunity to listen to a portion of this treatise. By the grace of Allāh, the translation is very good in every respect.

I pray that Allāh Most High grant this treatise widespread benefit and acceptance. May He grant [Badrul Islam] the ability to serve Islām even further. Āmīn.

[HIS EMINENCE SHAYKH MAWLĀNĀ] AḤMAD SHAFĪ
Rector, Dār al-ʿUlūm Hathazari
Chittagong, Bangladesh

দক্ষিণ পূর্ব এশিয়ার দ্বিতীয় সর্ববৃহৎ ইসলামী শিক্ষানিকেতন জামিআ আহলিয়া দারুল উলূম মুঈনুল ইসলাম হাটহাজারীর মহাপরিচালক ও শাইখুল হাদীস, হেফাজতে ইসলাম-বাংলাদেশের আমীর, আল-হাইআতুল উলয়া লিলজামিআতিল কাওমিয়া বাংলাদেশের চেয়ারম্যান

শাইখুল ইসলাম আল্লামা শাহ আহমদ শফী দা.বা. এর দুআ ও বাণী

বর্তমানে চারিদিকে ফিতনার উপদ্রব ক্রমে বেড়েই চলছে। ইসলাম-মুসলমানের চিরশত্রুদের ধোঁকায় পড়ে মুসলমান আজ শতধাবিভক্ত। মুসলিম কাওমের মাঝে আজ তাদের শত এজেন্ডা প্রতিষ্ঠিত! ফলে একতা, সৌহার্দ-সম্প্রীতি হারিয়ে পরস্পর পরিণত হয়েছে বিরাগভাজনে।

বর্তমান সময়ের অন্যতম একটি ফিতনা হলো, 'হাদীস অনুসরণের ছদ্মাবরণে বিভ্রান্তি ছড়ানো। সহজ-সরল মুসল্লীদেরকে 'সহীহ হাদীস' অনুসরণের নামে তারা গোমরাহ করছে। শত শত বছর ধরে চলে আসা কুরআন-সুন্নাহভিত্তিক মাযহাবসমূহকে তারা অস্বীকার করছে। তাদের এ ফিতনা থেকে পশ্চিমা মুল্কগুলোও রেহাই পায়নি।

কয়েক বছর ধরে ইংল্যান্ডসহ পশ্চিমা কিছু দেশে নামেমাত্র কিছু 'আলেম' মহিলাদের জামাতে উপস্থিতি, ঈদগাহে জামাতের সাথে নামায পড়ার প্রতি দাওয়াত দিচ্ছে। এবং তারাও সেখানে উপস্থিত হচ্ছে; এমনকি রমাযান শেষ দশদিন মসজিদে ইতিকাফের কথাও শোনা যাচ্ছে!

মুফতী কিফায়াতুল্লাহ দেহলভী রাহ.-র এ বিষয়ে 'কাফ্ফুল মু'মিনাত আন হুযুরিল জামাআত' নামে একটি মূল্যবান মুদাল্লাল রিসালা রয়েছে। আমাদের শাগরিদ মাওলানা বদরুল ইসলাম -সাল্লামাহুল্লাহ- (সুনামগঞ্জ, সিলেট অধিবাসী, ইংল্যান্ড প্রবাসী) এ ফিতনার মুকাবিলায় উক্ত রিসালাটির সাবলীল ইংলিশ অনুবাদ করেছেন। রিসালাটির কিছু অংশ আমার শোনার সুযোগ হয়েছে। মা শা আল্লাহ সার্বিকভাবে ভালো হয়েছে।

আল্লাহ তাআলা রিসালাটিকে মাকবুলে আম করুন। মুফীদ বানিয়ে দিন। তাঁকে আরও বেশী দীনের খেদমত করার তাওফীক দান করুন। আমীন।

(আহমদ শফী)

মহাপরিচালক দারুল উলূম
হাটহাজারী, চট্টগ্রাম, বাংলাদেশ

Foreword

BY HIS EMINENCE SHAYKH MAWLĀNĀ
ʿABD AL-MU'MIN (B. 1349/1930)
KHALĪFAH OF SHAYKH AL-ISLAM MAWLĀNĀ SAYYID
ḤUSAYN AḤMAD MADANĪ (D. 1377/1957)

WE PRAISE ALLĀH and invoke His blessings upon His Noble Messenger.

To proceed:

The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said:

عن عبد الله بن عمرو، قال: قال رسول الله صلى الله عليه وسلم: ليأتين على أمتي ما أتى على بني إسرائيل حذو النعل بالنعل، حتى إن كان منهم من أتى أمه علانية لكان في أمتي من يصنع ذلك، وإن بني إسرائيل تفرقت على ثنتين وسبعين ملة، وتفترق أمتي على ثلاث وسبعين ملة، كلهم في النار إلا ملة واحدة، قالوا: ومن هي يا رسول الله؟ قال: ما أنا عليه وأصحابي.

هذا حديث مفسر غريب، لا نعرفه مثل هذا إلا من هذا الوجه. (الترمذي ٢٨٣٢)

"That which befell the Banu Isrā'īl shall also befall my ummah, exactly as it befell the Banu Isrā'īl—just as a shoe in a pair is an exact match of the other shoe. So much so that if one of the Banu Isrā'īl had committed incest with his mother openly, there will be similar in my ummah. Indeed, the Banu Isrā'īl split into seventy-two groups. My ummah shall split into seventy-three groups. All of them shall be in the Fire, except one." They asked, "Which group is this, O Messenger of Allāh?" He replied, "[It is the group that shall be] upon that which I and my Companions are upon." (*Tirmidhī*)[1]

1 *Al-Jāmiʿ al-Kabīr* (*Sunan al-Tirmidhī*) (4:586—ḥadīth 2832), Al-Risālah al-ʿĀlamiyyah

This group [being referred to by the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him)] came to be known as the *Ahl al-Sunnah wa'l-Jamāʿah*.[1] Thereafter, the Ummah split into different groups [and sects]—for example, the Rāfiḍiyyah, Khārijiyyah, Jahmiyyah and Muʿtazilah. Amongst these is a group called the *Ahl al-Ḥadīth*, which does not follow a specific legal school (madhhab). This group does not follow any of the four imāms (the founders of the established four schools in Sharīʿah), when all the true Muslims of the world agree with adherence to a specific legal school [out of the four]—rather, they all practically adhere to a specific legal school. Following a specific legal school is proven from the statement of Allāh Most High:

﴿فَسْئَلُوا أَهْلَ الذِّكْرِ إِن كُنتُمْ لَا تَعْلَمُونَ﴾ [النحل:٤٣]

> So, if you do not know, then ask the People of the Reminder. (Al-Naḥl: 43)

In other words, the laity, who do not know religious rulings, should consult with those who possess knowledge. This is *taqlīd* (adherence to a legal school). Those people (mentioned above) deceive and mislead the laity by calling themselves *Ahl al-Ḥadīth*.

I am delighted that dear Badrul Islam has translated to English, and is publishing in a country like Britain, the treatise of Grand Mufti, Shaykh Kifāyatullāh, which he wrote in rebuttal of the non-madhhabists. I pray that Allāh Most High accept this effort and grant the translator further ability to serve the Dīn. Āmīn.

[HIS EMINENCE SHAYKH MAWLĀNĀ]
ʿABD AL-MUʾMIN

(Damascus/Beirut). This ḥadīth has been reported in many other books of ḥadīth, in various wording. What has been mentioned is the closest that I could locate in the books of ḥadīth to the wording that Shaykh Mawlānā ʿAbd al-Muʾmin (may Allāh Most Gracious grant him the goodness of both worlds) is alluding to in his Urdu foreword, written with his own hand.

1 See: *Mirqāt al-Mafātīḥ Sharḥ Mishkāt al-Maṣābīḥ*.

نحمدہ و نصلی علی رسولہ الکریم

اما بعد: قال النبی صلی اللہ علیہ وسلم ۔ افترقت بنو اسرائیل علی ۷۲ ملۃ وتفترق امتی علی ثلاث وسبعین ملۃ کلھم فی النار الا ملۃ واحدۃ قالوا من ھی یا رسول اللہ قال ما انا علیہ الیوم واصحابی

یعنی بنو اسرائیل ۷۲ فرقوں میں تقسیم ہوگئیں میری امت ۷۳ فرقوں میں تقسیم ہوگی سب کے سب دوزخ میں ڈالے جائینگے مگر ایک فرقہ صحابہ نے فرمایا یہ کون سی فرقہ ہے یا رسول اللہ کے رسول نے کونسی فرقہ ہے اپنے فرمایا جس میں میں اور میرے صحابہ کی جماعت ہے ۔ اسی کو اہل سنت والجماعت کہتے ہیں ۔ بعد میں بڑے نامی گرامی مختلف جماعت ہوگئی جیسے دیوبند، بریلوی، وہابیہ، اہلحدیث وغیرہ ان میں سے ایک گروہ اہل حدیث بھی ہیں جو غیر مقلد ہے ۔ انکے اربعہ میں سے کسی کی تقلید نہیں کرتے حالانکہ تمام دنیا کے حقانی مسلمان تقلید کے قائل بالکل کرتے ہیں ۔ اللہ تعالیٰ کا ارشاد ہے تقلید کا ثبوت ہے فرمایا ۔ جو لوگ عوام ہے (یعنے دینی مسائل جانتے نہیں) جانے والا ہے ۔ جو نہیں جانتے ۔ انکو تقلید ۔ وہ لوگ (عوام) مسائل نہ جاننے کی وجہ سے ہے

اہل حدیث کا لیکر

مجھے خوشی ہے عزیز ۱۲ الاسلام نے مفتی اعظم فقہی مقلد تقلید اللہ رح غیر مقلد کے تردید میں اردو میں کتاب انگریزی زبان میں ترجمہ کرکے خصوصاً اشاعت کے لیے اللہ جل شانہ اسکو قبول کرے اور مترجم کو جزیا خیر عطا فرمائے ملک دین

اور زیادہ سے زیادہ توفیق عنایت کرے آمین

احقر عبد المومن

[His Eminence Shaykh Mawlānā] ʿAbd al-Mumin

Translator's Preface

ISLAM IS THE WAY OF LIFE chosen by the Creator of man, Allāh Most High, for man. It is not a religion of mere rituals. Rather, it is a complete code of life, which governs every aspect of the life of man—from acts of worship and private life to social conduct and governance of nation states. As such, it dictates how man is to interact with fellow men in his public life as well as in collective acts of worship. One such area of collective worship that has been the focus of much contention since the time of the Noble Companions of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) is the participation of women in congregational prayers.

There is no doubt that during the blessed lifetime of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) women were attending his masjid to participate in prayers and they were attending the two ʿĪd prayers outdoors with men. However, contrary to common belief, the current chief professor of ḥadīth (*shaykh al-ḥadīth*) at the Dār al-ʿUlūm in Deoband (UP, India), Shaykh Mufti Saʿīd Aḥmad Pālanpūri, argues that this was an exception—and not the norm. Citing evidence from the ḥadīth work, *Marāsīl Abī Dāwūd*, he argues that during the blessed lifetime of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) there were nine other masjids besides his masjid (Al-Masjid al-Nabawī) in Madīnah. In no other masjid did women attend congregational prayers. The reason for this was that Islam was new. The priority of the time was for people to learn Islam, much of the teachings of which were very alien to a people who had recently come out of the dark-

ness of polytheism. Therefore, men as well as women were attending the powerhouse of Islam and hub of education and nurturing—the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him)—to learn from him directly. This was not the case in the other nine existing masjids in other neighbourhoods of Madīnah. Therefore, women are not documented to have attended congregational prayers there.[1]

Besides the above, there are many other arguments—textual as well as logical—that substantiate this assertion. Many of these arguments have been presented and expounded in this book, as the reader shall see. To the student of fiqh, it would seem absurd and contradictory that the Sharīʿah places so much emphasis on women's ḥijāb[2], requiring them—in blocking every means of promiscuity and fornication (or adultery)—to keep themselves as discreet and out of public view as possible, and yet it would allow them to emerge five times a day to pray with various postures of the body in public. The length to which the Sharīʿah goes in emphasising thorough observance of ḥijāb can be gauged from the significant difference in postures, throughout the prayer, between a man and a woman, all with the objective of making her prayer as private and discreet as possible, concealing her physique at every juncture of the prayer. Should she be in congregational prayer with men and the imam make a mistake while leading the prayer, the Sharīʿah requires her to strike the back of one hand with the other, in order to alert the imam to the mistake, instead of being vocal, which is the requirement for a man in the same situation. Likewise, should a group of women decide, despite it being *makrūh* (disliked), to pray in a congregation of women only, the woman who is to lead the congregation is required to stand with the front row, stepping slightly in front of them, whereas the male imam is required to stand ahead of the front row by the space required for

1 Taken from an audio recording of a lecture by Shaykh Mufti Saʿīd Aḥmad Pālanpūri.

2 Bearing in mind that ḥijāb is a legal command, an Islamic concept and conduct—and not the name of a piece of head covering for women.

a proper prostration, in accordance with the sunnah. Also worthy of note is the requirement in the ḥanafī school of Sharīʿah on the imam to specifically intend leading women in the congregation of prayer. Otherwise, the prayer of any women in the congregation will not be valid. This too indicates that women's participation in congregational prayer is not normal, and it never was normal in the history of Islam.

A list of references from major works of ḥadīth, fiqh, fatāwā and ʿilm al-akhlāq/taṣawwuf have been given at the end of this book for the more advanced and enquiring student of the sciences of Islam to explore. These are mostly references that I stumbled across while reading for various other purposes, and which, per my habit, I kept a note of. The fiqh and fatāwā references given are primarily of the ḥanafī school of Sharīʿah. However, the same exists in major works of the other three legal schools—namely, the mālikī, shāfiʿī and ḥanbalī schools or madhhabs.

This book, which has been given the title *Women in Congregational Prayers*, is an English rendering of a detailed fatwa by the great Indian master of the last century, Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī, who was the grand mufti of India, prior to her partition, which saw the formation of East and West Pakistan (and, later, Bangladesh). It has previously been translated and published in English on more than one occasion from South Africa and the United Kingdom, with slightly different titles. However, I have long felt the need for it to be retranslated. After much procrastination, the current work in the reader's hand (or screen) is that eventual humble effort.

I have also added to this publication a separate treatise on the issue of the participation of women in congregational prayers, which was recently written by my good friend, Shaykh Zameelur Rahman of Birmingham (England). Allāh Most Gracious has gifted Shaykh Zameel in many ways. His insight into matters of jurisprudence and ḥadīth—and indeed many other sciences of Islām and mainstream academia—is remarkable.[1]

1 After committing to memory the entire Noble Qur'ān in 2003, Shaykh Zameel then studied at St. John's College (University of Cambridge) and achieved a BA (Hons)

Although, there is some overlap between the contents of the fatwa-treatise of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī and Shaykh Zameelur Rahman, I have decided to include the latter's treatise in its entirety, in order to not disturb the flow of his enquiry. Shaykh Zameel's treatise sheds new light on the topic and it looks at it from a slightly different angle—thereby, enriching the discussion of this book. When he wrote his treatise, Shaykh Zameel was not aware of the fatwa-treatise of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī.

As the reader shall see, the debate surrounding women's participation in the five daily congregational prayers and the two ʿĪd prayers has existed long before our time. It is clear from the background given to his writing of this detailed fatwa by Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī in his introduction, that the call to women to emerge from their homes and come to the parks on ʿĪd day to join the congregation of Muslims, and thereby "revive a dead sunnah", has been, a century ago, as loud and alluring as it is today. A more concerning campaign is being witnessed today in Britain from a new breed of Islamically literate individuals. Their numbers are very small, but their voice is very loud—much exacerbated by social media and other modern electronic means of information and communication, which all are at their expert disposal. Their mission is to undermine and disprove the 1400 years of meticulously observed and policed gender segregation by the Muslims. Under various sophisticated pretences and arguments, they are calling for "respectful gender interaction" and "respectful sharing of space" by men and women, without any of the barriers of ḥijāb that were so much engrained within the fabric of all Muslim societies from the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) and

degree in Pre-clinical Medicine (MVST) & Theology. He then spent a year studying Qirā'ah (the science of Qur'ānic recitation), before completing the traditional *Dars-e-Niẓāmi* course (popularly known as the *ʿĀlimiyyah* course). After graduating as a scholar of the sciences of the Dīn from Dār al-ʿUlūm, Birmingham (England), Shaykh Zameel then pursued and completed with distinction a two-year programme in the issuing of fatwa (known as *takhaṣṣuṣ fi 'l-iftā'*) at the Dār al-Iftā' Mahmudiyyah, Durban (South Africa).

his Noble Companions till our time. Presenting some of the most ludicrous arguments, such as "Women nowadays are everywhere in marketplaces; why should they not be allowed to come to the house of Allāh to worship Him?", and digging out almost unheard of writings of those who held very fringe and rejected opinions in the history of Islam, they are working very hard to rip the veil of ḥijāb of the Muslim woman—the ḥijāb of the Qur'ān and sunnah. They call the face veil (niqāb) of the Muslim woman "a piece of cloth from subcontinental village culture", and that it has no relation to Islam. This, when the Mother of the Believers, ʿĀ'ishah, and her sister, Asmā' (may Allāh be pleased with them), describe in the ḥadīths of *Sunan Abī Dāwūd* and the *Mustadrak* of Imām al-Ḥākim the extent to which they went in meticulously observing ḥijāb of the face, even in the state of iḥrām (pilgrim sanctity):

عن عائشة—رضي الله تعالى عنها— قالت: «كان الركبان يمرون بنا ونحن مع رسول الله صلى الله عليه وسلم محرمات، فإذا حاذوا بنا سدلت إحدانا جلبابها من رأسها على وجهها فإذا جاوزونا كشفناه». (رواه أبو داود ١٨٢٩ وأحمد ٢٣٥٠١ وابن ماجه ١٧٥٧)

ʿĀ'ishah (may Allāh be pleased with her) says: "Riders (men on mounts) would pass by us, when we were in a state of iḥrām (pilgrim sanctity) with the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him). When they would get close to us, we would drop our jilbāb from our head over the face. When they would have passed, we would uncover our faces."[1]

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1 *Sunan Abī Dāwūd* (2:457—ḥadīth 1829), Dār al-Qiblah (Jeddah) and Mu'assasat al-Rayyān (Beirut); *Musnad Aḥmad* (ḥadīth 23501); *Sunan Ibn Mājah* (ḥadīth 1757).

For a detailed enquiry into the face veil and whether it is actually based on the Qur'ān and Sunnah, see Mawlānā Dr. Mateen Khan's excellent treatise, *Niqab: An Approach Based on the Proofs* (http://www.ilmgate.org/niqab-an-approach-based-on-the-proofs/—accessed 04 August 2018). For a detailed juristic enquiry based on ḥadīth and athar, see Imām Mufti Muḥammad Shafīʿ's Arabic *Aḥkām al-Qur'ān* (3:407; 3:439), Idārat al-Qur'ān wa 'l-ʿUlūm al-Islāmiyyah (Karachi, 1418).

عن أسماء بنت أبي بكر – رضي الله عنهما – قالت: «كنا نغطي وجوهنا من الرجال، وكنا نمتشط قبل ذلك في الإحرام». هذا حديث صحيح على شرط الشيخين، ولم يخرجاه. (المستدرك على الصحيحين للحاكم ١٦٨٢)

Asmā', the daughter of Abu Bakr (may Allāh be pleased with them both), says: "We used to cover our faces from men, and we used to comb [our hair] in the state of iḥrām (pilgrim sanctity), prior to that."[1]

Indeed, the command to cover the face is in the Noble Qur'ān, as interpreted by the Salaf[2] and documented in his monumental tafsīr al-Qur'ān by Imām Abu Ja'far Muḥammad ibn Jarīr al-Ṭabari. Allāh Most High states:

﴿يَاأَيُّهَا النَّبِيُّ قُل لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاء الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِن جَلاَبِيبِهِنَّ ذَلِكَ أَدْنَى أَن يُعْرَفْنَ فَلاَ يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا﴾ [الأحزاب:٥٩]

O Prophet! Say to your wives and to your daughters and to the womenfolk of the believers that they should draw part of their mantles over themselves [in public]. This makes it more likely that they will be recognized [as virtuous women], so that they will not be harassed. And ever is Allāh all-forgiving, mercy-giving. (Al-Aḥzāb: 59)

He Most High also states:

﴿وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَسْئَلُوهُنَّ مِن وَرَآءِ حِجَابٍ ذَلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ﴾ [الأحزاب: جزء الآية ٥٣]

Furthermore, [with respect to his wives,] whenever you ask them for any article, then ask them from behind a screen (ḥijāb). That

1 *Al-Mustadrak'alā 'l-Ṣaḥīḥayn* of Imām al-Ḥākim (2:535—ḥadīth 1682), Dār al-Minhāj al-Qawīm (Damascus). After reporting this ḥadīth, Imām al-Ḥākim states, "This ḥadīth is authentic (*ṣaḥīḥ*) according to the conditions of [authenticity and acceptance set by] the two shaykhs (i.e. Imāms al-Bukhāri and Muslim)—[although,] they have not reported it."

2 Abu Ja'far Muḥammad ibn Jarīr al-Ṭabari, *Jāmi' al-Bayān 'an Ta'wīl Āyi 'l-Qur'ān* (19:180), Dār Hajr (1422/2001).

> is [sure to deepen] the purity of your hearts, and their hearts. (Al-Aḥzāb: Part of verse 59)

It comes as no surprise that, since my typing of the above paragraph, one of the louder callers in England to breaking the barrier of Islamic ḥijāb, using the deceptive slogans of "respectful gender interaction" and "respectful sharing of space", a married man with children, has found himself embroiled in a scandal with one of the female members of staff at his Islamic academy.

Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī's mastery of all the sciences of Islam and his extraordinary insight into matters of Islamic jurisprudence are a historic fact in the scholarly circles of the Indian subcontinent. He was one of those rare gems, whom mankind sees once every few centuries. He was, without doubt, one in a billion. In order for the English reader, who may not be familiar with Indian Islamic scholarship and its history, to fully appreciate whose writing he or she is reading, I have added a brief biography of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī at the beginning of the book. This has been taken from Dr. Abu Salmān Shāh Jahānpuri's 432-page biography of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī, entitled *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi* and the publisher's introduction to the 9-volume Dār al-Ishāʿat (Karachi/Lahore, 2001 CE) edition of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī's famous fatwā collection, entitled *Kifāyat al-Muftī*.

Previous English translations omitted the actual Arabic texts of the tens of Prophetic ḥadīths cited by the author to substantiate his arguments. In this fresh translation, the texts of all those ḥadīths have been verified from their primary sources and fully referenced. *Takhrīj* or detailed referencing of the sources of ḥadīths have been added in footnotes, but in view of brevity, this has been kept at a minimum. I am grateful to a friend, who has asked not to be named, for producing these ḥadīth references. Similarly, where deemed necessary, I have added other brief footnotes throughout the book. Where the author

has mentioned classical sources, I have visited them and added the original Arabic texts in footnotes.

I am indebted to my friend, mentioned above, for drawing my attention to this masterly treatise-fatwa and for being the initiator of this project and being my persevering encourager. He exercised remarkable patience over the last few years, when, due to various commitments, I kept deferring work on this project. May Allāh Most High reward him abundantly.

It is hoped from the mercy of Allāh Most Gracious that this book will go a long way in dispelling confusion and alleviating doubts from the minds of many Muslims in this current age of confusion and self-conceit. Indeed, we are living in an age in which concerted efforts are being made by an array of forces to sever the umbilical cord that once connected the Muslim masses to their 'ulamā', whom the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) described as his heirs.

Finally, we pray that Allāh Most Gracious accept this effort and grant us sincerity and guide us to the straight path—the path of His pleasure.

ABU ASIM BADRUL ISLAM
Northampton
England
15 Jumāda 'l-Ākhirah 1441/10 February 2020

A Brief Biography of the Author

BIRTH AND EDUCATION

BORN IN SHĀH JAHĀNPŪR, India in 1292 H (1875 CE), Shaykh Muḥammad Kifāyatullāh Dehlawī was from the progeny of Arab traders who had settled in India. The son of a very religious father,[1] the young Muḥammad Kifāyatullāh began his formal Islamic education at the tender age of five. As he neared the completion of his primary level education, seeing the hidden pearls in him, his teacher, Mawlānā ʿUbayd al-Ḥaqq Khān, advised his parents to send him to the prestigious seat of Islamic learning—the Dār al-ʿUlūm in Deoband—for higher education. However, his parents did not feel comfortable in sending him so far from home at such a tender age.[2] Instead, he enrolled at the madrasah of Shāhi Murādābād. After studying here for two years, he eventually enrolled at the Dār al-ʿUlūm in Deoband in 1312 H (1894 CE). His teachers at the the Dār al-ʿUlūm included legendary masters like *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan, Imām Khalīl Aḥmad Sahāranpūrī, Mawlānā Ḥakīm Muḥammad Ḥasan (younger brother of *Shaykh al-Hind*), Mawlānā Ghulām Rasūl and

1 His father's full name was [Shaykh] ʿInāyetullāh ibn Fayḍullāh ibn Khayrullāh ibn ʿAbbādullāh. (Dr. Abu Salmān Shāh Jahānpuri, *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi*, Farīd Book Depot Ltd. (Delhi, 2011), p. 14.)

2 The biography at the beginning of the Dār al-Ishāʿat (Karachi/Lahore, 2001 CE) edition of Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī's 9-volume *Kifāyat al-Muftī* states poverty as the reason for his parents' inability to send him to the Dār al-ʿUlūm in Deoband. What has been stated above is what his son, Mawlānā Ḥafīẓ al-Raḥmān Wāṣif, has written in his article, which has been reproduced by Dr. Abu Salmān Shāh Jahānpuri in his 432-page *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi*. (Trans.)

Mawlānā Manfaʿat ʿAli. Amongst his class fellows were the legendary masters *Shaykh al-Islam* Mawlānā Sayyid Ḥusayn Aḥmad Madanī and Imām Sayyid Muḥammad Anwar Shāh Kashmīrī.

EMPLOYMENT

Shaykh Muḥammad Kifāyatullāh Dehlawī graduated from the Dār al-ʿUlūm at the age of twenty-two in 1315 H (1897 CE). After graduation, he returned home to Shāh Jahānpūr. There, his first teacher, Mawlānā ʿUbayd al-Ḥaqq Khān, appointed him as teacher and his assistant at the madrasah that he had founded—Madrasah ʿAyn al-ʿIlm. Despite the dire financial condition at the madrasah, Shaykh Muḥammad Kifāyatullāh Dehlawī served the madrasah with full dedication until the death of Mawlānā ʿUbayd al-Ḥaqq Khān in Ramaḍān 1321 H. Amongst those who benefited from Shaykh Muḥammad Kifāyatullāh Dehlawī at Madrasah ʿAyn al-ʿIlm are the great luminaries, Shaykh Iʿzāz ʿAli (later *shaykh al-adab wa 'l-fiqh* at the Dār al-ʿUlūm in Deoband) and Mufti Mahdi Ḥasan (later chief mufti at the Dār al-ʿUlūm in Deoband). During this period, Shaykh Muḥammad Kifāyatullāh Dehlawī's close associate, Mawlānā Amīn al-Dīn, established Madrasah Amīniyyah in Delhi. To the chief professor's post, he appointed Imām Sayyid Muḥammad Anwar Shāh Kashmīri. However, due to some domestic difficulties and his father's insistence, the latter had to resign and return to Kashmir. After this, upon the request of Mawlānā Amīn al-Dīn, Shaykh Muḥammad Kifāyatullāh Dehlawī took up the post. Mawlānā Amīn al-Dīn passed away in Ramaḍān 1348 H (1920 CE). At this time, *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan had returned from his incarceration by the colonial British in Malta. In the presence of a large gathering, *Shaykh al-Hind* appointed Shaykh Muḥammad Kifāyatullāh Dehlawī to the post of principal of Madrasah Amīniyyah. In a similar manner, Shaykh Muḥammad Kifāyatullāh Dehlawī was appointed principal of Madrasah ʿĀliyah in Fateḥpur, after which the madrasah saw amazing progress. The students of this madrasah would occupy the

top positions in the final board examinations and earn medals from Punjab University.

FAMILY LIFE

Shaykh Muḥammad Kifāyatullāh Dehlawī first married when he was teaching at Madrasah ʿAyn al-ʿIlm. He had a son and a daughter from this marriage. Sadly, both children passed away in childhood. After a short while, his wife too passed away. He then married the daughter of Janāb Sharaf al-Dīn, from whom he had seven children. Of these seven children, two sons and two daughters survived.[1]

During his time as teacher at Madrasah Amīniyyah in Delhi, Shaykh Muḥammad Kifāyatullāh Dehlawī also worked as an accountant at the office of Anjuman Hidāyat al-Islām. However, he later resigned from this post, due to refusing to engage in dishonest accountancy.[2] After this, he joined Ḥāfiẓ Zāhid Ḥasan Amrohawi in bookselling. This too did not last long. He then joined Mawlawi ʿAbd al-Ghani Dehlawi in a bookselling business. Consequently, the publishing company, Kutubkhānah Raḥīmiyyah, was established. This business remained throughout his life and even after his demise.

SERVICE TO ISLAM

Shaykh Muḥammad Kifāyatullāh Dehlawī had completely dedicated his life for Islam and the Muslims. He had forsaken all comforts and pleasures for his untiring service to Islam. Allāh Most High had blessed him with a very rare juristic prowess and deep insight and foresight in Sharīʿah, political and social matters. His services to the world and to the Muslims of the Indian subcontinent are well-known. He began writing fatwas at the outset of his career. After he moved to Delhi, his fatwas were relied upon in all the courts of law in that

1 Dr. Abu Salmān Shāh Jahānpuri, *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi*, Farīd Book Depot Ltd. (Delhi, 2011), p. 21.

2 *Ibid*, p. 22.

city. His greatest academic and living contribution in this field is his multi-voluminous fatwa work entitled *Kifāyat al-Muftī* (Sufficing the Mufti), which has seen repeated publications from India and Pakistan, and is used in ḥanafī fatwa departments throughout the world.

COUNTERING OF HERETIC SECTS

Defending the creed of Islam and protecting the Muslims from the deception and misguidance of heretic sects was the life mission of Shaykh Muḥammad Kifāyatullāh Dehlawī. After the Khilāfah Movement came to an end in 1922 CE, when the Shuddhi Movement, led by Swami Shraddhanand, began converting simple-minded and uneducated Muslims to its kufr, he focused his attention and energy in countering this dangerous ideology and saving the Muslims from apostasy. He travelled to areas where Muslims had left the fold of Islam to follow the Shuddhi way.[1]

During the British colonial rule in India, a lot of Christian missionary organisations had established themselves in the country. One of their key targets were the Muslims of India. Shaykh Muḥammad Kifāyatullāh Dehlawī was well aware of the foul motives of the Christian missionaries. He engaged them in debates and countered their deception and misguidance in every way possible.

When the colonial British administration in India passed new parliamentary bills, which were mainly intended to harm Islam and the Muslims, Shaykh Muḥammad Kifāyatullāh Dehlawī stood up unrelentingly to counter each of those bills. To this end, he founded the organisation Taḥaffuẓ-e-Nāmūs-e-Sharīʿat (Protection of the Honour of the Sharīʿah) in 1929 CE.

Shaykh Muḥammad Kifāyatullāh Dehlawī was at the forefront in the fight against the Qādiyānī *fitnah*. He founded a periodical by the name of *Al-Burhān*, which he remained the editor of, and in which the Qādiyānī deception was unmasked. The first edition of this periodical was published in Shaʿbān 1321 H.

1 *Ibid*, p. 36.

WRITING OF FATWAS

Shaykh Muḥammad Kifāyatullāh Dehlawī began writing formal fatwas at the outset of his academic career. In a period of approximately fifty years, he had written hundreds of thousands of fatwas of various lengths. Writing of fatwas was his constant preoccupation. His normal routine was to dedicate time for this after teaching in the morning and before having lunch. He would sometimes be disturbed whilst having lunch by a seeker of fatwa, who would ask for it to be issued urgently. Shaykh Muḥammad Kifāyatullāh Dehlawī would leave his lunch to quickly write the fatwa for the enquirer. Likewise, sometimes, while shopping in the marketplace, he would be asked for a fatwa. He would find a place to sit at and write the sought fatwa immediately. All the ʿulamā' trusted his fatwas. During the civil disobedience against the colonial British, when people asked *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan for a fatwa in this regard, he recommended the names of three muftis. At the top of the list of these three muftis was Shaykh Muḥammad Kifāyatullāh Dehlawī. One of the key characteristics of his fatwas was that they were written in plain language and they provided detailed proofs for the argument, while maintaining clarity and brevity. This was what made them so popular and acceptable to the masses as well as the courts of law.

WRITINGS

Despite his extremely busy schedule throughout the day and night in teaching, politics, issuing fatwas, directing and managing organisations and institutions, Shaykh Muḥammad Kifāyatullāh Dehlawī made time to write. One of his highly celebrated works is the children's *Taʿlīm al-Islām*, which he authored in a question and answer format. It has benefited many millions since its first publication and is included in the syllabus of many Islamic institutions throughout the world. There has been an English translation of it available for the last few decades, but, unfortunately, it requires thorough editing or a

fresh good quality translation. He has also written a brief biography of his teacher, *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan. In 1917 CE, his work, *Musalmānōn ke mazhabi wa qawmi aghrāz ki ḥifāẓat* (Protection of the Religious and National Interests of the Muslims) was published. Besides this, he wrote many papers, articles and treatises, which were published at various times during his lifetime and thereafter.

POLITICAL SERVICE

The famous statement that *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan made regarding his student, Shaykh Muḥammad Kifāyatullāh Dehlawī, is testimony to, and sums up, the latter's extraordinary expertise in national and international politics. When asked by one of his students as to why *Shaykh al-Hind* consulted with Shaykh Muḥammad Kifāyatullāh Dehlawī on every political matter, the former replied, "There is no doubt that you are all politicians (i.e. experts in politics). Mawlawi Kifāyatullāh, however, is a formulator of politics (i.e. he devises and develops political theories)."

The political landscape of India began to see major change after the arrest by the colonial British of *Shaykh al-Hind* Imām Maḥmūd al-Ḥasan. When the Lucknow Pact of December 1916 was agreed by the Indian National Congress and Muslim League, Shaykh Muḥammad Kifāyatullāh Dehlawī was the first Islamic scholar who saw with his extraordinary foresight the hidden risks and damage that would manifest themselves in the future, should the pact be adopted by the Muslims. He warned the Muslims, due to which the Lucknow Pact was eventually rejected by the Muslims of India. The 'ulamā' began to feel an ever-growing need for the Muslims to unite and work under a single leadership in the prevailing unprecedented political turmoil in undivided India. Thus, in 1919 CE, the Jam'iyyat al-'Ulamā' of India was established[1] and Shaykh Muḥammad Kifāyatullāh Dehlawī was unanimously selected the president of the Jam'iyyat.

1 *Ibid*, p. 32.

The first office of the Jamʿiyyat al-ʿUlamā' was located in Shaykh Muḥammad Kifāyatullāh Dehlawī's room in Madrasah Amīniyyah (Delhi). There were no clerical staff or servants. Shaykh Muḥammad Kifāyatullāh Dehlawī and his deputy, Mawlānā Aḥmad Saʿīd, did all the work themselves.

It was the unique character and sincerity of Shaykh Muḥammad Kifāyatullāh Dehlawī that compelled all the opposing 'ulamā' to unite under a single leadership and work for the shared interests of all the Muslims of India, irrespective of differing affiliations. Under his leadership, the Jamʿiyyat al-ʿUlamā' grew and achieved major victories for the Muslims. His humility was such that, despite serving as president for almost twenty years, Shaykh Muḥammad Kifāyatullāh Dehlawī never chaired an annual conference of the Jamʿiyyat himself.[1] He would always spend out of his own pocket in national and community initiatives. During the Jamʿiyyat's conference of 1928 CE in Peshawar, his 16–17-year-old son, Mawlānā Ḥafīẓ al-Raḥmān Wāṣif, accompanied him on the journey. Despite the repeated insistence of the organising committee there, he refused to accept the travel expenditures of his son, arguing that, as his son was not a member of the Jamʿiyyat, he had no right to accept such a payment.[2]

INCARCERATION BY THE COLONIAL BRITISH

During the civil disobedience of 1930 CE, Shaykh Muḥammad Kifāyatullāh Dehlawī was accused of rebellion and incitement against the colonial British government in his speeches. He was arrested from his home at 4am in the morning of 11 October 1930 CE (17 Jumāda 'l-Ūlā 1349 H) and was sentenced to six months' imprisonment with hard labour. He was kept at Central Jail Delhi and then transferred to Gujarat Jail, where he was joined by fellow prisoners, Dr. Aḥmad

1 *Ibid*, p. 34.
2 *Ibid*, p. 34.

Anṣārī, Mawlānā Aḥmad Saʿīd Dehlawī, Mawlānā Ḥabīb al-Raḥmān Ludhyānwī and others.[1]

After the failure of the second Round Table Conference of 1931 CE, there were fresh calls for nationwide civil disobedience. The Jamʿiyyat al-ʿUlamā' convened a conference on 11 March 1932 CE. As Shaykh Muḥammad Kifāyatullāh Dehlawī was about to begin his speech, police charged at the crowds with sticks and assaulted people indiscriminately. He was arrested and sentenced to eighteen months' imprisonment with hard labour. He was sent to Central Jail Multan, wherein he was joined by fellow prisoners, Mawlānā Sayyid ʿAṭā'ullāh Shāh Bukhārī, Dr. Aḥmad Anṣārī, Mawlānā Aḥmad Saʿīd Dehlawī and Mawlānā Ḥabīb al-Raḥmān Ludhyānwī. Imprisonment could not prevent Shaykh Muḥammad Kifāyatullāh Dehlawī from serving Islam and the Muslims. His academic and educational activities continued in prison, just as did his political and social endeavours. Mawlānā Aḥmad Saʿīd Dehlawī writes, "I studied the final chapter of *Fatḥ al-Bārī* (commentary of *Ṣaḥīḥ al-Bukhārī*) under Mufti [Muḥammad Kifāyatullāh] sahib in Gujarat Jail and *Sirājī* (on the law of inheritance) and the *Dīwān al-Ḥamāsah* (in classical Arabic poetry) in Multan Jail." Besides this, Shaykh Muḥammad Kifāyatullāh Dehlawī planned future political activities with key fellow political prisoners during his time in various prisons.[2]

SERVICE TO FELLOW INMATES

Mawlānā Aḥmad Saʿīd Dehlawī writes, "Mufti [Muḥammad Kifāyatullāh] sahib would usually sew the ripped clothes of fellow inmates. He would consider it impermissible to take any form of personal

1 *Ibid*, p. 35.

2 See the full account given by Mawlānā Aḥmad Saʿīd Dehlawī in his article on Shaykh Muḥammad Kifāyatullāh Dehlawī, which has been included in *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi*, Farīd Book Depot Ltd. (Delhi, 2011), p. 94.

service from fellow inmates, arguing that they are prisoners just like us. How can we take service from them?"[1]

ḤIJĀZ CONFERENCE

After ʿAbd al-ʿAzīz ibn Saʿūd had taken the Ḥijāz region from the *Sharīf* of Makkah, an international conference was convened, which was to be attended by representatives of Muslim countries. This international conference convened on 26 Dhu 'l-Qaʿdah 1344 H (1926 CE) and was attended by delegates from India, Egypt, Java, Palestine, Lebanon, Syria, Sudan, the Najd region, the Ḥijāz region, Soviet-controlled Turkistan, Afghanistan, Turkey and a few other countries. The delegation of the Jamʿiyyat al-ʿUlamā' of India that attended the conference was headed by Shaykh Muḥammad Kifāyatullāh Dehlawī. It comprised six members, amongst whom were *Shaykh al-Islām* Mawlānā Shabbīr Aḥmad ʿUthmānī and Mawlānā Aḥmad Saʿīd Dehlawī. A committee of six international personalities was formed to decide the topics to be covered by the conference. Shaykh Muḥammad Kifāyatullāh Dehlawī was one of those six. During the course of the conference, he persuaded King ʿAbd al-ʿAzīz ibn Saʿūd to accept his recommendations on various matters.[2]

PALESTINE CONFERENCE IN EGYPT

After the British divided Palestine into two sections and the ethnic cleansing and displacement of the native Arabs of Palestine followed that division, Shaykh Muḥammad Kifāyatullāh Dehlawī, under the auspices of the Jamʿiyyat al-ʿUlamā', founded the Majlis-e-Taḥaffuẓ-e-Filisṭīn (Council for the Protection of Palestine). He raised funds for the oppressed people of Palestine and, on 26 August 1938 CE, Palestine Day was observed. On 11 October 1938 CE an international

1 See footnote 12.

2 Dr. Abu Salmān Shāh Jahānpuri, *Mufti-e-Aʿẓam Hind—Ḥaḍrat Mawlānā Mufti Kifāyatullāh Ṣāḥib Dehlawi*, Farīd Book Depot Ltd. (Delhi, 2011), p. 38.

conference on Palestine was convened in Cairo. This conference was attended by an estimated 3,500 representatives of various countries and organisations. The delegation of the Jamʿiyyat al-ʿUlamā' of India that attended the conference was headed by Shaykh Muḥammad Kifāyatullāh Dehlawī. Upon arrival in Egypt, this delegation was given a grand reception. Shaykh Muḥammad Kifāyatullāh Dehlawī's name was at the top of the list of the panel that was formed to decide the topics and proceedings of the conference. Unfortunately, he had fallen ill on the journey to Egypt, and his condition had worsened by the time he reached Cairo. He, therefore, was unable to participate in the conference. His written speech was, however, read out to the conference by Mawlānā ʿAbd al-Ḥaqq Madanī.[1]

FINAL PHASE OF LIFE

On 26 Shawwāl 1350 (05 March 1932), Shaykh Muḥammad Kifāyatullāh Dehlawī issued some instructions relating to the administration of Madrasah Amīniyyah, Delhi. It began with the following:

> Since freedom of religion is connected to freedom of our country, and I believe it is a religious obligation to fight for the freedom of our country, I anticipate being incarcerated for taking part in this fight. Therefore, I am issuing the following administrative instructions and making the following arrangements, so that the operations of the Madrasah are not affected during my period of incarceration. The real watcher and protector is Allāh Most Majestic.[2]

Shaykh Muḥammad Kifāyatullāh Dehlawī had seen and experienced a lot. He had given his life for undivided India and for her Muslim citizens. He had lofty dreams, much of which never came to fruition. He saw and lived through unprecedented turmoil. He suffered at the hands of those who opposed his vision and his uncompromising defence of the truth. For approximately ten years, he retired to

1 *Ibid*, p. 39.
2 *Ibid*, p. 41.

solitude and lived a reclusive life, away from the hustle and bustle of the outside world. When the Hindu newspaper, *Amrit Patrika*, attacked the blessed personage of the beloved Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), a protest conference was convened outside the Jāmiʿ Masjid Shāh Jahānī on 14 August 1952 CE. This conference was chaired by Shaykh Muḥammad Kifāyatullāh Dehlawī. This was his first public chairing of such a conference after ten years of reclusiveness, and it was the final one of his life. Thereafter, his health deteriorated, and he constantly remained in ill health.[1]

DEPARTURE FROM THIS TEMPORARY ABODE

After living a life of extraordinary selflessness, sacrifice and untiring struggle for India and her Muslims and the Muslims of the world, at 10:25 during the night of 13 Rabīʿ al-Thānī 1372 H (31 December 1952 CE), approximately an hour and thirty minutes before the Gregorian new year, Shaykh Muḥammad Kifāyatullāh Dehlawī departed from this temporary abode.[2]

On the 1st of January 1953, as soon as the news broke of the passing of this leader of hundreds of millions of Muslims, crowds began to flood toward his home. For approximately five hours, the constant stream of people took a final glance at his spiritually enlightened and handsome face.

It was decided that the janāzah prayer be led by *Shaykh al-Islām* Mawlānā Sayyid Ḥusayn Aḥmad Madanī. However, as the *Shaykh al-Islām* was delayed in reaching Delhi, Mawlānā Aḥmad Saʿīd Dehlawī led the prayer, in which an estimated one hundred thousand Muslims participated. After that, the bier was taken to Meher wali for burial. By that time, *Shaykh al-Islām* Mawlānā Sayyid Ḥusayn Aḥmad Madanī, Mawlānā Qārī Muḥammad Ṭayyib, Mawlānā Iʿzāz ʿAli and Mawlānā Ibrāhīm Balyāwī had reached the venue. At the same time,

1 *Ibid*, p. 41.

2 *Ibid*, p. 360.

Mawlānā ʿAbd al-Laṭīf, Mawlānā Mufti Saʿīd Aḥmad and others also arrived from Saharanpur.[1]

Mawlānā Aḥmad Saʿīd Dehlawī and Mawlawi Ḥafīẓ al-Raḥmān Wāṣif (the eldest son of Shaykh Muḥammad Kifāyatullāh Dehlawī) descended into the grave and laid his body to rest. It was after sunset, at the time of maghrib.

1 *Ibid*, p. 361.

Women in Congregational Prayers

SHAYKH MUFTI
MUḤAMMAD KIFĀYATULLĀH DEHLAWĪ
(D. 1372/1952)
GRAND MUFTI OF INDIA

Introduction

ALL PRAISE BE TO ALLĀH, Lord of all the worlds, and may His eternal peace and blessings be upon our Noble Master, Muḥammad, his family and all his companions.

During Shaʿbān 1334 (1916 CE) someone presented the following question to this lowly servant:

Is it permissible for women to participate in gatherings of waʿẓ (religious lectures)?

The enquirer was a follower of the ḥanafī legal school. Thus, this lowly servant answered the question according to the school. I presented the texts of eminent ḥanafī jurists and felt that that would suffice. The answer, which was quite lengthy, was titled *Kaff al-Muʾminātʿan Ḥuḍūr al-Jamāʿāt* and was published by Haji ʿAbdur Raḥmān.

I wish to clarify that it was never my intention to provoke debate by writing *Kaff al-Muʾminātʿan Ḥuḍūr al-Jamāʿāt* nor do I have such time to waste. I was asked a question and I replied with what I believe to be correct. From the perspective of the ḥanafī legal school, there is an abundance of evidence illustrating that it is *makrūh* (disliked) for women to attend congregational prayer. The reliable texts of the ḥanafī school state the same ruling as the one mentioned in *Kaff al-Muʾminātʿan Ḥuḍūr al-Jamāʿāt*. Therefore, if a ḥanafī scholar wished to disagree, he would have had to forsake the principles of the school. If that were to be the case, I would have had no need to pay any attention to such a disagreement. Today, 11th Dhu 'l-Qaʿdah 1334, I came across a booklet titled *ʿĪd-e-Aḥmadī*. In it, the author—a Maulwi Abdus Sattār Kalānūrī—not only accuses the author of *Kaff*

al-Muʾmināt, he also directly accuses ʿAllāmah al-ʿAynī[1] and indirectly accuses the imāms of the ḥanafī school and other great scholars of opposing and failing to understand ḥadīth. He also has the audacity to accuse *Umm al-Muʾminīn* ʿĀʾishah (may Allāh be pleased with her).

If you read *ʿĪd-e-Aḥmadī* in its entirety, it will be apparent to you that it does not contain even a single line that could be considered a logical response to *Kaff al-Muʾmināt*. Despite his claims, the author is completely ignorant of ḥadīth, lacking basic knowledge of its interpretation.

Even though *ʿĪd-e-Aḥmadī* holds no academic value, I feared that the common Muslims may be misled by it into thinking that the fatwa of the ḥanafī jurists that for women to go out to join in congregational prayers is makrūh is baseless and without evidence. I therefore felt it necessary to explain the ruling in light of evidences from Prophetic ḥadīth, traditions of the Companions of the Prophet (may the eternal peace and blessings of Allāh be upon him) and those who came after them—the pious predecessors (*al-salaf al-ṣāliḥ*). I have written this article in order to clarify the ruling. I hope that people of knowledge and understanding will benefit from it and thereby save themselves from misguidance and error.

وما توفيقي إلا باللّٰه، عليه توكلت وإليه أنيب

> My ability is only from Allāh, upon whom is my trust and to whom I turn (for help and guidance).

It must be understood that the jurists of the ḥanafī school do not deny that during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) women used to attend the congregational five daily prayers and the prayers of the two ʿĪds.

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1 Maḥmūd b. Aḥmad Badr al-Dīn al-ʿAynatābī al-Ḥanafī (762–855 AH), better known as *al-ʿAynī*, which is an abbreviation for *al-ʿAynatābī*—reference to his city of origin, ʿAynatāb (Gaziantep in modern day Turkey). Known for his masterly commentaries on the *Ṣaḥīḥ* of Imām al-Bukhārī (*ʿUmdat al-Qārī*), *Sharḥ Maʿānī ʾl-Āthār* of Imām Abū Jaʿfar al-Ṭaḥāwī (*Nukhab al-Afkār*), *Al-Hidāyah* of Imām al-Marghīnānī (*Al-Bināyah*) and other major works. See: *Al-Ḍawʾ al-Lāmiʿ li Ahl al-Qarn al-Tāsiʿ* (10:131) of Imām Al-Sakhāwī.

Rather, they acknowledge this loudly. Therefore, to present ḥadīths that prove their attending congregational prayers during that era is futile. The question now is whether that ruling applies today. To this end, I shall attempt to shed light on the issue under separate chapters.

Is Women's Attendance in Congregational Prayers Emphasised?

IT IS NOT POSSIBLE to present *any* ḥadīth to prove that women's attendance in congregational prayer is in any way emphasised. As far as the many books of ḥadīth and their commentaries that I have studied are concerned, I have not come across any such report. Rather, I have come across several ḥadīths that point to the very opposite (i.e. discouragement and dislike for women's attendance).

Ḥadīth 1

> عن أبي هريرة – رضي اللّٰه تعالى عنه – عن النبي – صلى اللّٰه عليه وسلم – قال: لولا ما في البيوت من النساء والذرية أقمت صلوة العشاء وأمرت فتياني يحرقون ما في البيوت بالنار. (رواه أحمد، مشكاة المصابيح)
>
> Abu Hurayrah (may Allāh be pleased with him) narrates that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "Had it not been for women and children in houses, I would have established the 'ishā' prayer and ordered my youth to set the houses on fire." (*Aḥmad*; *Mishkāt*)[1]

This was a warning from the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) to those who did not attend the congregation for the 'ishā' prayer. It is clearly understood from

1 *Musnad Aḥmad* (8:422), *Dār al-Ḥadīth* (Cairo). Al-Haythamī states that Abū Ma'shar is weak (*Majma'*, 2:42, Beirut). The ḥadīth is sound or authentic according to the criteria of Ḥāfiẓ Ibn Ḥajar al-'Asqalānī (*I'lā' al-Sunan*, 4:172).

this ḥadīth that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) wished to order the setting ablaze of the homes of those men who did not attend the congregation for the 'ishā' prayer. The presence of women and children in homes was preventing it. The mention of women in this ḥadīth proves that they are not required to attend congregational prayers and nor is their attendance emphasised in any way. For, if that were to be the case, they too would have been guilty of failing to attend the congregation and would have therefore been deserving of the same punishment, and their being at home would not have been preventing the execution of the punishment of men who failed in this regard. Since women were not legally at any fault for not attending the congregational prayers, the possibility of their being harmed became a deterrent for the punishment of men who *were* legally at fault for not attending. All the Prophetic ḥadīths that follow prove that attendance at congregational prayers was not necessary for women.

Ḥadīth 2

عن أم سلمة – رضي اللّٰه تعالى عنها – عن النبي – صلى اللّٰه عليه وسلم – أنه قال: خير مساجد النساء قعر بيوتهن. (رواه أحمد والبيهقي، كذا في كنز العمال)

Umm Salamah (may Allāh be pleased with her) narrates that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The best places of prayer for women are the innermost portions of their homes." (Aḥmad; Bayhaqī—*Kanz al-'Ummāl*) [1]

Ḥadīth 3

عن أم سلمة – رضي اللّٰه تعالى عنها – عن النبي – صلى اللّٰه عليه وسلم – أنه قال: صلوة المرأة في بيتها خير من صلوتها في حجرتها وصلوتها في حجرتها خير من

1 *Musnad Aḥmad* (6:297); *Mustadrak al-Ḥākim* (1:327), Dār al-Kutub al-'Ilmiyyah (Beirut); Al-*Sunan al-Kubrā* (3:187), Dār al Kutub al-'Ilmiyyah (Beirut); Al-Ṭabarānī in *Al-Kabīr* (23:313), Maktabah Ibn Taymiyyah (Cairo); Al-Ḥākim says the chain of transmitters is authentic.

صلوتها في دارها وصلوتها في دارها خير من صلوتها خارج. (رواه الطبراني في الأوسط، كذا في كنز العمال)

Umm Salamah (may Allāh be pleased with her) narrates that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The prayer of a woman in her bedroom is better than her prayer in her outer room, and her prayer in her outer room is better than her prayer in her courtyard, and her prayer in her courtyard is better than her prayer outside."[1]

Ḥadīth 4

عن أم حميد امرأة أبي حميد الساعدي – رضي اللّٰه تعالى عنهما – عن النبي – صلى اللّٰه عليه وسلم – أنه قال لها: قد علمت أنك تحبين الصلوة معي، وصلوتك في بيتك خير من صلوتك في حجرتك وصلوتك في حجرتك خير من صلوتك في دارك وصلوتك في دارك خير من صلوتك في مسجد قومك وصلوتك في مسجد قومك خير من صلوتك في مسجدي. (رواه أحمد وابن حبان، كذا في كنز العمال)

Umm Ḥumayd, the wife of Abū Ḥumayd al-Sāʿidī (may Allāh be pleased with them both), narrates that the Prophet (may the eternal peace and blessings of Allāh be upon him) said to her: "I have come to know that you love praying with me. [Be aware that] Your prayer in your bedroom is better than your prayer in your outer room, and your prayer in your outer room is better than your prayer in your courtyard, and your prayer in your courtyard is better than your prayer in the masjid of your community, and your prayer in the masjid of your community is better than your prayer in my masjid."[2]

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1 *Kanz al-ʿUmmāl* (7:676), Al-Turāth al-Islāmī (Beirut); *Al-Ṭabarānī* in *al-Awsaṭ* (9:48) with a sound chain; *Al-Targhīb* (1:226), Dār al-Fikr (Beirut); *Iʿlā al-Sunan* (4:330).

2 *Musnad Aḥmad* (6:371); *Ṣaḥīḥ Ibn Khuzaymah* (3:94), Al-Maktab al-Islāmī (Beirut); *Ṣaḥīḥ Ibn Ḥibbān* (5:595), Muʾassasat al-Risālah (Beirut). The chain of transmitters is sound (*Fatḥ al-Bārī* (2:279), Dār Iḥyāʾ al-Turāth (Beirut); *Iʿlāʾ al-Sunan* (4:230)). Ibn Khuzaymah states that the ḥadīth which states: "The reward of a prayer in the masjid of the Prophet

Ḥadīth 5

وأورده الهيثمي في مجمع الزوائد وزاد: فأمرت فبني لها مسجد في أقصى بيت في بيتها وأظلمه، فكانت تصلي فيه حتى لقيت اللّٰه عز وجل. وقال الهيثمي: رجاله رجال الصحيح غير عبد اللّٰه بن سويد الأنصاري ووثقه ابن حبان.

This ḥadīth has been reported by Imām al-Haythamī in his *Majmaʿ al-Zawā'id* with the following addition: "She instructed and a place of prayer was constructed in the innermost and darkest part of her house. She used to pray there until she passed away to meet Allāh Most Magnificent." Imām al-Haythamī comments that all the transmitters in the chain of transmission of this ḥadīth are transmitters of the books of *Ṣaḥīḥ* except ʿAbd Allāh ibn Suwayd, but Ibn Ḥibbān has classified him as reliable.[1]

Ḥadīth 6

عن عبد اللّٰه بن مسعود – رضي اللّٰه تعالى عنه – عن النبي – صلى اللّٰه عليه وسلم – قال: «صلوة المرأة في بيتها أفضل من صلوتها في حجرتها أو صلوتها في مخدعها أفضل من صلوتها في بيتها». (رواه أبو داود)

ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) narrates that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The prayer of a woman in her bedroom is better than her prayer in her outer room—or—her prayer in her closet is better than her prayer in her bedroom."

Note: 'Closet' here means a small room that is located within the innermost part of the house, in which personal belongings, money etc. are kept.[2]

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of Allāh is equal to a thousand prayers in any other masjid", is referring to men only—and not women.

1 *Kanz al-ʿUmmāl* (7:676), Al-Turāth al-Islāmī (Beirut); *Majmaʿ al-Zawā'id* (2:34). Ḥāfiẓ Ibn Ḥajar has classified the chain of narrators as reliable (see: *Fatḥ al-Bārī*, 2:350).

2 *Al-Nihāyah* (2:14), Dār al-Kutub al-ʿIlmiyyah (Beirut).

Ḥadīth 7

عن عبد الله بن مسعود – رضي الله تعالى عنه – قال: صلوة المرأة في بيتها أفضل من صلوتها في حجرتها وصلوتها في حجرتها أفضل من صلوتها في دارها وصلوتها في دارها أفضل من صلوتها في ما سواها ثم قال إن المرأة إذا خرجت استشرفها الشيطان. (رواه الطبراني في الكبير ورجاله رجال الصحيح – مجمع الزوائد)

It is narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that he said: "The prayer of a woman in her bedroom is better than her prayer in her outer room, and her prayer in her outer room is better than her prayer in her courtyard, and her prayer in her courtyard is better than her prayer elsewhere." He then said: "When a woman goes out [of her home], Shayṭān raises his eyes and stares at her." (Al-Ṭabarānī in *Al-Muʿjam Al-Kabīr*. The transmitters in the chain are transmitters of the *ṣaḥīḥ*.—*Majmaʿ al-Zawā'id*)[1]

Ḥadīth 8

وعنه أنه كان يحلف فيبلغ في اليمين: ما من مصلى للمرأة خير من بيتها إلا في حج أو عمرة إلا امرأة قد يئست من البعولة وهي في منقليها، قلت: ما منقليها؟ قال: امرأة عجوز قد تقارب خطوها. (رواه الطبراني في الكبير ورجاله موثقون – مجمع الزوائد)

It is also narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that he used to take a strong oath and say: "There is no better place of prayer for a woman than her bedroom, except if she were to be on ḥajj or ʿumrah.[2] [and except] a woman who has reached the age whereby she despairs of her husband's [sexual

1 Al-Ḥāfiẓ al-Mundhiri references it to Imām Aḥmad: *Al-Targhīb wa 'l-Tarhīb* (1:225); *Majmaʿ al-Zawā'id* (2:34). Al-Ḥāfiẓ Ibn Ḥajar states that the chain of Imām Aḥmad is reliable and *Abū Dāwūd* has supporting narrations (*Fatḥ al-Bārī*, 2:279).

2 ʿAllāmah Ẓafar Aḥmad al-ʿUthmāni states in his *I'lā' al-Sunan* (4:262—Idārat al-Qur'ān, Karachi) that such attendance for prayer is conditional with necessity. For example, if a woman were in Al-Masjid al-Ḥarām in order to perform a ṭawāf of ḥajj or ʿumrah, or if she were in Al-Masjid al-Nabawi to say salām to the Beloved Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), and she prayed while she was there, that would be fine. In other words, she did not make a special trip to either

desire for her] and is in her pair of worn out shoes." [The narrator says,] I asked: "What do you mean by 'worn out shoes'?" He replied: "She is so old that she takes small steps when walking." (Al-Ṭabarānī in *Al-Muʿjam Al-Kabīr*. The transmitters in the chain are reliable.—*Majmaʿ al-Zawā'id*) [1]

Ḥadīth 9

وعنه: ما صلت امرأة من صلوة أحب إلى اللّٰه من أشد مكان في بيتها ظلمة. (رواه الطبراني في الكبير ورجاله موثقون – مجمع الزوائد)

It is also narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that he said: "No woman has performed a prayer dearer to Allāh than the prayer she has performed in the darkest part of her home." (Al-Ṭabarānī in *Al-Muʿjam Al-Kabīr*. The transmitters in the chain are reliable.—*Majmaʿ al-Zawā'id*)[2]

Ḥadīth 10

وعن عبد اللّٰه بن مسعود – رضي اللّٰه تعالى عنه – عن النبي صلى اللّٰه عليه وسلم قال: «المرأة عورة وإنها إذا خرجت استشرفها الشيطان وإنها أقرب ما تكون إلى اللّٰه وهي في قعر بيتها». (رواه الطبراني ورجاله موثقون – مجمع الزوائد)

It is also narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "A woman is to be kept covered. When

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of the two Sacred Masjids specifically to pray. Rather, she was already there for another purpose.

قال العلامة الشيخ ظفر أحمد العثماني: فيه دلالة على جواز خروج النساء مطلقا سواء كن شواب أو عجائز للصلاة في مسجد الحرام أو مسجد النبي صلى اللّٰه عليه وسلم . . . ولكن ينبغي تقييده بوقت الضرورة، كما إذا حضرت المسجد للطواف في الحج والعمرة فلا بأس لها بأن تصلي فيه وحدها أو جماعة، أو حضرت المسجد النبوي للتسليم والصلاة على النبي صلى اللّٰه عليه وسلم فلا بأس لصلاتها في المسجد تحية أو مكتوبة، وأما أن تأتي المسجد الحرام أو المسجد النبوي لأجل الصلاة فحسب فينافيه قوله صلى اللّٰه عليه وسلم: صلاتك في بيتك خير من صلاتك في حجرتك إلى أن قال: ومن صلاتك في مسجدي، واللّٰه تعالى أعلم. (إعلاء السنن، ط. إدارة القرآن، ج٤ ص٢٦٢)

1 *Majmaʿ al-Zawā'id* (2:35)

2 Ṭabarānī in *Al-Kabīr* (9:295); *Majmaʿ al-Zawā'id* (2:35)

she goes out [of her home], Shayṭān raises his eyes and stares at her. The closest that she can get to Allāh is when she is in the depth of her home." (Al-Ṭabarānī. The transmitters in the chain are reliable.—*Majmaʿ al-Zawā'id*)[1]

Ḥadīth 11

وعن عبد الله بن مسعود – رضي الله تعالى عنه – قال: إنما النساء عورة وإن المرأة لتخرج من بيتها وما بها من باس فيستشرفها الشيطان فيقول إنك لا تمرين بأحد إلا أعجبتيه وإن المرأة لتلبس ثيابها فيقال أين تريدين؟ فتقول اعود مريضا أو أشهد جنازة أو أصلي في مسجد. وما عبدت امرأة ربها مثل أن تعبده في بيتها. (رواه الطبراني ورجاله ثقات – مجمع الزوائد)

It is also narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that he said: "Women are to be kept covered. A woman goes out of her home while there is no problem with her. Shayṭān raises his eyes and stares at her. He says to her: 'You shall not pass by anyone except that you shall impress him [with your attraction].' A woman dons her garment and is asked: 'Where do you intend going?' She replies: 'I am going to visit a sick one, or attend a funeral, or pray in a masjid.' No woman has worshipped her Lord the way she can worship Him in her home." (Al-Ṭabarānī. The transmitters in the chain are reliable.—*Majmaʿ al-Zawā'id*) [2]

The following points are clearly established from the above ḥadīths:

- There is no emphasis on women joining congregational prayers. In fact, it is the opposite: to pray at home is best for them (see all the abovementioned ḥadīths).
- Women's attendance at congregational prayers during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be

1 *Tirmidhī* (3:468), Maktabah Muṣṭafā al-Bābī al-Ḥalabi (Cairo); Ibn Khuzaymah (3:93); Ibn Ḥibbān (12:412); Ṭabarānī in *Al-Kabīr* (9:295); *Majmaʿ al-Zawā'id* (2:35).

2 *Majmaʿ al-Zawā'id* (2:35); Ṭabarānī in *Al-Awsaṭ*—*Al-Targhīb wa 'l-Tarhīb* (1:226).

upon him) was based on dispensation and permissibility only—not emphasis, commendableness or virtue (see ḥadīths 4 and 5).

- Despite this dispensation and permissibility, the guidance and teaching of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) for them was to pray at home. He used to encourage this and extoll the virtue of this (see ḥadīth 4).
- It is clearly established from the addition reported by Imam Al-Ḥaythami to ḥadīth 4 that, based on the teaching and advice of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), Umm Ḥumayd (may Allāh be pleased with her) spent the remainder of her life praying in the innermost part of her home. She complied fully with the instruction of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) and fulfilled his wish.
- It is clearly established from ḥadīth 10 that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) considered a woman's going out of her home a potential tribulation (*fitnah*), and for her to remain within her home a means of gaining closeness to Allāh. It is for this reason that in ḥadīths 8 and 9 ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) emphatically states that her prayer in her bedroom is best.
- It is established from the statement of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) in ḥadīths 2, 3 and 4 that the prayer of a woman in her bedroom is better than her prayer in her outer room, and her prayer in her outer room is better than her prayer in her courtyard, and her prayer in her courtyard is better than her prayer in the masjid of her community, and her prayer in the masjid of her community is better than her prayer in the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him). What doubt does there remain, then, regarding the fact that women's attendance at congregational prayers and the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) was not based on commendableness and virtue, but mere permissibility?

How regretful is the condition of those people who call women to the masjid and encourage them to join the congregational prayer, in defiance of the teachings, desire and pleasure of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him)? What is more shocking is that they claim women's attendance at congregational prayers to be sunnah and their act of encouragement to be a revival of the sunnah. If women's attendance at congregational prayers were to be sunnah, why would the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) have stated her prayer in the masjid of her community to be better than her prayer in his masjid, and her prayer in her home to be better than her prayer in the masjid of her community? Her praying individually at home would have been an abandonment of the sunnah. Is there more reward in abandoning the sunnah than in acting upon it? By encouraging them to pray in their homes, is the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) encouraging women to abandon his sunnah? Perhaps these people consider themselves more pious than the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) and their masjids better than the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

According to a narration of Anas (may Allāh be pleased with him), a prayer performed in the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) earns the reward of fifty thousand prayers elsewhere.

Ḥadīth 12

عن أنس بن مالك قال: قال رسول اللّٰه صلى اللّٰه عليه وسلم: «صلاة الرجل في بيته بصلاة، وصلاته في مسجد القبائل بخمس وعشرين صلاة، وصلاته في المسجد الذي يجمع فيه بخمس مائة صلاة، وصلاته في المسجد الأقصى بخمسين ألف صلاة، وصلاته في مسجدي بخمسين ألف صلاة، وصلاة في المسجد الحرام بمائة ألف صلاة». (رواه ابن ماجه، كذا في المشكاة)

> It is narrated from Anas ibn Mālik (may Allāh be pleased with him) that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "A man's prayer in his home earns him the reward of just that one prayer, and his prayer in the masjid of his community earns him the reward of twenty five prayers, and his prayer in the masjid in which jumuʿah is established earns him the reward of five hundred prayers, and his prayer in Al-Masjid al-Aqṣā earns him the reward of fifty thousand prayers, and his prayer in my masjid shall earn him the reward of fifty thousand prayers, and a prayer in Al-Masjid al-Ḥarām is equal to a hundred thousand prayers." (Ibn Mājah; *Mishkāt*)[1]

When, despite the great virtue of the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), a woman's prayer in the masjid of her community has been stated to be better, and her prayer in her home better than in the masjid of her community, and her prayer in her outer room better than her prayer in her courtyard, and her prayer in her bedroom better than her prayer in her outer room, [the principle in this] is clear—namely, the further a woman gets from her place of privacy and discreetness, the less reward she shall earn. Why is this? The reason for this is that the further she goes from her home, the greater the risk of a tribulation (*fitnah*). There is no other reason for the diminishing of reward. On the contrary, since this risk of tribulation (*fitnah*) does not exist in the case of a man going further from his home, his reward increases the further he goes.[2]

Ḥadīth 13

> عن أبي موسى قال: قال النبي صلى الله عليه وسلم: «أعظم الناس أجرا في الصلاة أبعدهم، فأبعدهم ممشى والذي ينتظر الصلاة حتى يصليها مع الإمام أعظم أجرا من

1 *Ibn Mājah* (2:417), Al-Risālah al-ʿĀlamiyyah (Damascus/Beirut).

2 That is, when he travels further from his home in order to pray in a masjid that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has declared more virtuous.

الذي يصلي ثم ينام». (رواه البخاري ومسلم)

It is narrated from Abu Mūsa al-Ashʿari (may Allāh be pleased with him) that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "The greatest of people in terms of the reward of prayer are those who are the most distant, followed by those who are the next most distant. The one who waits to pray with the imam is greater in reward than the one who prays [individually] and then goes to sleep." (Al-Bukhāri; Muslim) [1]

Ḥadīth 14

عن جابر بن عبد اللّٰه، قال: خلت البقاع حول المسجد، فأراد بنو سلمة أن ينتقلوا إلى قرب المسجد، فبلغ ذلك رسول اللّٰه صلى اللّٰه عليه وسلم، فقال لهم: «إنه بلغني أنكم تريدون أن تنتقلوا قرب المسجد»، قالوا: نعم، يا رسول اللّٰه قد أردنا ذلك، فقال: «يا بني سلمة دياركم تكتب آثاركم، دياركم تكتب آثاركم». (صحيح مسلم)

Jābir (may Allāh be pleased with him) narrates: "The land in the vicinity of the masjid became vacant. The Banu Salimah wished to move [their homes] closer to the masjid. This news reached the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him). He said to them: 'It has reached me that you wish to move [your homes] closer to the masjid.' They replied: 'Yes, O Messenger of Allāh, we wish to do so.' He said: 'O Banu Salimah, Remain in your locality! For, your footsteps [in walking to the masjid] are written. Remain in your locality! For, your footsteps [in walking to the masjid] are written.'" (Muslim)[2]

The permission for women to attend congregational prayer during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) was conditional upon her refraining

1 *Bukhārī* (1:131), Dār al-Ṭawq al-Najāḥ/Dār al-Minhāj; *Muslim* (1:46), Dār Iḥyāʾ al-Turāth al-ʿArabiyy (Beirut).

2 *Muslim* (1:462).

from wearing perfume, attractive clothing or jingling jewellery when going out. See the following ḥadīths:

Ḥadīth 15

عن زينب الثقفية عن النبي صلى الله عليه وسلم: إذا خرجت إلى العشاء فلا تمسن طيبا. (رواه ابن حبان، كذا في كنز العمال)

It is narrated from Zaynab Al-Thaqafiyyah (may Allāh be pleased with her) that the Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "When a woman goes out for the ʿishā' prayer, she must not touch perfume." (Ibn Ḥibbān)[1]

Ḥadīth 16

عن بسر بن سعيد، أن زينب الثقفية، كانت تحدث عن رسول الله صلى الله عليه وسلم أنه قال: «إذا شهدت إحداكن العشاء فلا تطيب تلك الليلة». (رواه مسلم)

It is also narrated from Zaynab Al-Thaqafiyyah (may Allāh be pleased with her) that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "If one of you intends to attend the ʿishā' prayer, she must not wear perfume on that night." (Muslim)[2]

Ḥadīth 17

عن زينب امرأة عبد الله، قالت: قال لنا رسول الله صلى الله عليه وسلم: «إذا شهدت إحداكن المسجد فلا تمس طيبا». (رواه مسلم)

Zaynab, the wife of ʿAbd Allāh, narrates: "The Messenger of Allāh

1 *Sunan al-Nasā'ī* (8:155), Maktab al-Maṭbūʿāt al-Islāmiyyah (Aleppo); *Ibn Ḥibbān* (5:590); *Kanz al-ʿUmmāl* (7:278). Shaykh Shuʿayb al-Arna'ūṭ mentions in his footnote on *Ibn Ḥibbān* (5:590) that the chain of narrators is sound. A narrator who may have been questionable, Muḥammad b. ʿAbd Allāh b. ʿAmr b. Hishām, has been mentioned by Ibn Ḥibbān in his *Al-Thiqāt*. Many others have followed suit and considered him trustworthy.

2 *Muslim* (1:328).

(may the eternal peace and blessings of Allāh be upon him) said to us, "If one of you intends to attend the masjid, she must not touch perfume." (Muslim)[1]

Ḥadīth 18

عن أبي هريرة، أن رسول اللّٰه صلى اللّٰه عليه وسلم قال: «لا تمنعوا إماء اللّٰه مساجد اللّٰه، ولكن ليخرجن وهن تفلات». (رواه أبو داود)

قوله: (ولكن ليخرجن وهن تفلات) بفتح التاء المثناة وكسر الفاء أي غير متطيبات يقال امرأة تفلة إذا كانت متغيرة الريح كذا قال ابن عبد البر وغيره قاله الشوكاني. وفي المعالم التفل سوء الرائحة يقال امرأة تفلة إذا لم تطيب ونساء تفلات انتهى. وإنما أمرن بذلك ونهين عن التطيب كما في رواية مسلم عن زينب لئلا يحركن الرجال بطيبهن ويلحق بالطيب ما في معناه من المحركات لداعي الشهوة كحسن الملبس والتحلي الذي يظهر أثره والزينة الفاخرة. (عون المعبود)

Abu Hurayrah (may Allāh be pleased with him) narrated that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "Do not prevent the bondswomen of Allāh from the Masjids of Allāh. Rather, they ought to leave [their homes] smelling unpleasant (*tafilāt*)." (Abu Dāwūd) [2]

'*Tafilāt*' (plural) refers to women who are not wearing perfume. *Imra'atun tafilatun* is used for a woman who smells unpleasant. Thus has Al-Shawkāni quoted Ibn ʿAbd al-Barr. It has been stated in *Maʿālim*[3] that *tafil* means an unpleasant smell. *Imra'atun tafilatun* is said when a woman is without perfume. The ruling on perfume includes everything that may provoke base desires. For example, fine clothing, jewellery and any other adornment. (*ʿAwn al-Maʿbūd*)[4]

These ḥadīths clearly establish that the permission that was granted to

1 *Muslim* (1:328).

2 *Abū Dāwūd* (1:155).

3 *Maʿālim al-Sunan* (1:162), al-Maṭbaʿah al-ʿIlmiyyah (Aleppo); *ʿAwn al-Maʿbūd* (3:373), Dār al-Fikr (Beirut).

4 *ʿAwn al-Maʿbūd* (3:274).

women to attend the masjids was conditional with the above. Thus, it is apparent that when these conditions are not met, the ruling will be the opposite. Can anyone possibly claim that women who attend masjids and places of *'Īd* prayer, meet these conditions? Do they not attend, wearing attractive clothing and jingling jewellery? Do they act upon the command that says they must be in unclean and malodorous clothing? If one were to pointlessly and erroneously claim that women *do* meet the conditions, the reader ought to read the forthcoming section 3. However, a fair-minded person who dislikes stubbornness will see violations of the above conditions and Prophetic injunctions and, therefore, agree that permission is no longer to be enjoyed by women. To make women fulfil the conditions and Prophetic injunctions will be difficult.

CONCLUSION

Although, after reading the above collection of ḥadīths, no person of understanding will be in any doubt about the fact that women's joining the congregational prayer during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) was based on concession and permission, and not on merit and praiseworthiness, those who claim to follow pure ḥadīth[1] tell people that it is sunnah for women to attend congregational prayers and 'Īd prayers. In fact, they teach people that it is an emphasised sunnah (*sunnah mu'akkadah*). Everyone knows that an emphasised sunnah is that which, when a person neglects it, he is blameworthy and, if constantly neglected, he is deserving of punishment. For example, to perform the five daily prayers in congregation is an emphasised sunnah for men. If a man fails to attend the congregation, he is worthy of blame. If he persists in not attending, he will deserve punishment. The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him)

1 For example, the so-called 'Ahl al-ḥadīth' and 'Salafi' movements of today. (Translator)

intended to burn [the houses of] those men who failed to attend [congregational prayer][1]. Why was this? The reason for this was that they had become habitual of neglecting [congregational] prayer. If it were also an emphasised sunnah for women to attend congregational prayers, Umm Ḥumayd (may Allāh be pleased with her), who spent her life praying within a small room in her home, would have been deserving of punishment. If it were to be meritorious or praiseworthy for women to pray in congregation, the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) would not have encouraged Umm Ḥumayd (may Allāh be pleased with her) to perform her prayers at home—especially, when she desired to pray behind the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

To refute the misinterpretation of this group of claimants to acting upon ḥadīth, we shall present here:

- Those very ḥadīths, which this group relate to people in order to prove their claim that it is an emphasised sunnah for women to attend congregational prayers, and then we shall:
- Present the correct interpretations of those ḥadīths, so that impartial and fair-minded readers may decide for themselves how much of the claim of this group is actually corroborated by these ḥadīths.

Ḥadīth 19

قال رسول الله صلى الله عليه وسلم: «لا تمنعوا النساء حظوظهن من المساجد، إذا استأذنوكم». (صحيح مسلم)

The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "Do not prevent women from attaining their shares from the masjids, when they seek permission from you [to be allowed out]." (Muslim) [2]

1 *Ṣaḥīḥ al-Bukhāri*, 644, 657, 2420 and 7224.

2 *Muslim* (1:328).

Ḥadīth 20

إن النبي صلى الله عليه وسلم قال: «لا يمنعن رجل أهله أن يأتوا المساجد». (مسند أحمد)

The Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "A man must not prevent his family (wife) from attending masjids." (Aḥmad) [1]

Ḥadīth 21

قال رسول الله صلى الله عليه وسلم: «لا تمنعوا نساءكم المساجد، وبيوتهن خير لهن». (أبو داود)

The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "Do not prevent your women from attending the masjids. Their homes are better for them." (Aḥmad; Abu Dāwūd)[2]

Ḥadīth 22

عن النبي صلى الله عليه وسلم: «إذا استأذنت امرأة أحدكم إلى المسجد فلا يمنعها». (صحيح البخاري ومسلم)

The Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "When the wife of one of you seeks permission to go to the masjid, he must not prevent her." (Al-Bukhāri; Muslim) [3]

I have taken the above ḥadīths directly from *ʿĪd-e-Aḥmadi*, without any alterations. What is proven from these ḥadīths? They are merely prohibiting husbands from preventing their wives from going to

1 *Aḥmad* (4:455). Shaykh Aḥmad Shākir has authenticated this ḥadīth in his footnotes on the *Musnad* of Imām Aḥmad.

2 *Abū Dāwūd* (1:155). Al-Ḥāfiẓ Ibn Ḥajar states that Ibn Khuzaymah has authenticated this ḥadīth (*Fatḥ al-Bārī*, 2:279).

3 *Ṣaḥīḥ al-Bukhāri* (1:173, 1:297), *Muslim* (1:326).

masjids. These ḥadīths do not prove in any way that it is praiseworthy or an emphasised sunnah for women to attend congregational prayers in masjids. As it was permissible for women to attend congregational prayers in the masjid during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), they were entitled to take full advantage of this permissibility. Therefore, men were prohibited from barring them from achieving their entitlement by preventing them from going to the masjids.

Furthermore, in those days, there was benefit in women attending the masjid, as there was a great need for women's education. By attending the masjid, they would learn through observation the way in which the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) performed prayer and, if they required to ask a question, they could do so directly.[1]

Thirdly, due to the blessed era of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) being free of promiscuity and corruption, the prevention of women from attending the masjid was not due to this fear. Rather, it was due to men's pride and arrogance. Therefore, the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) prohibited men from preventing women from attending the masjid. (*Ḥujjat Allāh al-Bālighah*)[2]

Ḥadīth 23

عن ابن عمر رضي اللّٰه عنه عن النبي صلى اللّٰه عليه وسلم قال: «ائذنوا للنساء بالليل إلى المساجد». (صحيح البخاري)

ʿAbd Allāh ibn ʿUmar (may Allāh be pleased with him) narrated that the Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "Allow women to attend the masjids during night." (Al-Bukhāri)[3]

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1 *Ashiʿʿat al-Lamʿāt* of Shaykh ʿAbd al-Ḥaqq Dehlawi, p. 233, King Saʿūd University (Riyadh).

2 *Ḥujjat Allāh al-Bālighah* (2:41), Qadīmī Kutub Khāna (Karachi).

3 *Ṣaḥīḥ al-Bukhāri* (2:6).

Ḥadīth 24

عن ابن عمر رضي اللّٰه عنه عن النبي صلى اللّٰه عليه وسلم قال: «إذا استأذنكم نساءكم بالليل إلى المساجد فأذنوا لهن». (صحيح البخاري)

ʿAbd Allāh ibn ʿUmar (may Allāh be pleased with him) narrated that the Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "When your women seek your permission to attend masjids during the night, grant them permission." (Al-Bukhāri)[1]

These ḥadīths also merely establish permission for women to attend masjids. Ḥāfiẓ Ibn Ḥajar states that if it were compulsory for women to attend the masjids, they would not have had to seek permission from their husbands (*Fatḥ al-Bāri*).[2] The reason for this is that it is not necessary to seek permission for compulsory acts of worship. Not even desirability (*istiḥbāb*) is established by this, as has been explained earlier.

Ḥadīth 25

عن ابن عباس، أن النبي صلى اللّٰه عليه وسلم كان يخرج بناته ونساءه في العيدين. (البيهقي وابن ماجه، تلخيص الحبير)

ʿAbd Allāh ibn ʿAbbās (may Allāh be pleased with him) narrated that the Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him) used to take his daughters and wives out to the two ʿĪd prayers. (Al-Bayhaqi and Ibn Mājah — *Talkhīṣ al-Ḥabīr*)[3]

This ḥadīth also establishes no more than the permissibility for women to attend masjids during the time of the Prophet of Allāh (may the eternal peace and blessings of Allāh be upon him), and that

1 *Ṣaḥīḥ al-Bukhāri* (1:172).

2 *Fatḥ al-Bārī* (2:248).

3 *Ibn Mājah* (1:415); *Al-Bayhaqi — Al-Sunan al-Kubrā* (3:430), Dār al-Kutub al-ʿIlmiyyah (Beirut); *Talkhīṣ al-Ḥabīr* (2:163), Mu'assasat al-Qurṭubah (Cairo).

he used to take his daughters and wives to the ʿĪd prayers. Just taking them with him does not establish its being a sunnah or a *mustaḥabb* act. This point is further illustrated by the following ḥadīth:

Ḥadīth 26

عن عائشة رضي اللّٰه عنها أن رسول اللّٰه صلى اللّٰه عليه وسلم كان يقبل وهو صائم وكان أملككم لإربه. (صحيح البخاري ومسلم، تلخيص الحبير)

It is narrated from ʿĀ'ishah (may Allāh be pleased with her) that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) used to kiss [his wife] while he was fasting. [She would further add:] He had the most control over his desires than any of you. (Al-Bukhāri; Muslim—*Talkhīṣ al-Ḥabīr*)[1]

In another narration, *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) stated: "Who from amongst you has control over his desires the way the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) had control over his desires?"

Despite proving the actual occurrence of the act of kissing, this ḥadīth does not prove that it is sunnah or *mustaḥabb* to kiss one's wife while fasting. Rather, *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) indicates that it is best to avoid kissing while fasting. The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) was in total control of his desires. Therefore, there was no risk of the kissing [being due to lust or it] leading to anything else. However, in the case of others, due to general weakness in controlling desires, there is a strong risk of kissing [being due to lust and] leading to other things. Therefore, it is best for them to refrain from kissing when fasting.

1 *Ṣaḥīḥ al-Bukhāri* (3:30); *Muslim* (2:777); *Talkhīṣ al-Ḥabīr* (2:372).

Ḥadīth 27

قالت أم عطية: أمرنا أن نخرج فنخرج الحيض، والعواتق، وذوات الخدور – قال ابن عون: أو العواتق ذوات الخدور – فأما الحيض: فيشهدن جماعة المسلمين ودعوتهم ويعتزلن مصلاهم . (صحيح البخاري)

Umm ʿAṭiyyah said: "We were commanded to go out [to the place of ʿĪd prayer] and to take with us women in their menses, young women and women of covering (observing *ḥijāb*)"—Ibn ʿAwn said: "or young women of covering." "As for women in their menses, they would participate in the congregation of the Muslims and their supplication (*duʿā'*), but stay away from the place of prayer." (Al-Bukhāri)

Ḥadīth 28

عن أم عطية قالت: قال رسول اللّٰه – صلى اللّٰه عليه وسلم –: «أخرجوا العواتق وذوات الخدور ليشهدن العيد ودعوة المسلمين، وليجتنبن الحيض مصلى الناس». (ابن ماجه)

It is narrated from Umm ʿAṭiyyah (may Allāh be pleased with her) that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) said: "Take out [with you] the young women and women of covering (observing *ḥijāb*), so that they may participate in ʿĪd and the supplication (*duʿā'*) of the Muslims. Women in their menses should avoid the place of prayer of the people." (Ibn Mājah)

These two ḥadīths are the strongest proofs of those who claim to follow ḥadīth today, as they both contain the imperative (*amr*), with which they wish to either establish emphasis or, at least, *istiḥbāb* (desirability). However, they err in understanding the actual message of the ḥadīths. We shall now elaborate on this.

The imperative is used for three meanings:

1. Sometimes, it is used for compulsoriness (*wujūb*). For example, in the words of Allāh Most High, وَأَقِيمُواْ ٱلصَّلَوٰةَ
2. Sometimes, for desirability (*istiḥbāb*). For example, in the words of Allāh Most High, فَكُلُواْ مِنْهَا وَأَطْعِمُواْ ٱلْقَانِعَ وَٱلْمُعْتَرَّ
3. Sometimes, for permissibility (*ibāḥah*). For example, in the words of Allāh Most High, وَإِذَا حَلَلْتُمْ فَٱصْطَادُواْ and كُلُواْ وَٱشْرَبُواْ. Although, the imperative is normally used for compulsoriness (*wujūb*), when there is an indication that compulsoriness is not intended, desirability (*istiḥbāb*) or permissibility (*ibāḥah*) shall be taken as the intended meaning.[1]

Let us now see what exactly is intended by the imperative that has been used in the context of women attending ʿĪd prayers. It is absolutely clear that compulsoriness (*wujūb*) is not intended, as no one is of the opinion that it is compulsory (*wājib*) for women to attend ʿĪd prayers (by *wujūb*, *farḍiyyah* (obligation) is intended here). Attendance at ʿĪd prayers and its performance are not *farḍ* (obligatory) even on men, let alone women. Since those who claim to follow ḥadīth are also not of the opinion that it is *farḍ* upon women, there is no need for us to elaborate on this any further. As for the second possibility that the imperative is sometimes used for desirability (*istiḥbāb*), we say this is also not the case here. The evidences for this are several:

- Recall those ḥadīths in which the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has stated that women's prayer in the innermost portions of their homes is better than at the masjid. These ḥadīths have been discussed in detail earlier.[2] The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has stated that a woman's prayer in the innermost portion of her home is much better than her praying in his masjid (wherein prayer is normally fifty thousand times greater in reward). There is no other reason for

1 وعندنا الوجوب حقيقة الأمر، فيحمل عليه مطلقة ما لم تقم قرينة خلافه. وإذا كانت قرينة يحمل عليه على حسب المقام. (نور الأنوار – مبحث الأمر، ص٢٧ – ط. سعيد)

2 See ḥadīths 2 to 11.

this except that the further a woman goes from her place of privacy and discreetness, the less reward she earns (see ḥadīths 3 to 6). These very reasons [of undesirability and diminishing of reward] are also found here—viz, attending a public gathering, seeing men [and men seeing them] and being broad daylight. These ḥadīths do not mention any exception for ʿĪd prayers.

- Jumuʿah prayers and the five daily prayers are *farḍ* (obligatory). It is not commendable for a woman to attend the congregation of these prayers. So, how could it be commendable for a woman to attend the congregation of the ʿĪd prayer, which is not *farḍ* on her?
- The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has not encouraged women to attend ʿĪd prayers, nor has he mentioned any particular merit in her attending, from which it may be established that their attendance is commendable.

Now that it has been established that the imperative has not been used for compulsoriness (*wujūb*) or desirability (*istiḥbāb*), it only remains to be understood as denoting permissibility (*ibāḥah*). This means that the correct meaning of the statement of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) is let your women attend the ʿĪd prayers. If they wish to attend, do not prevent them from doing so. It is permissible for them to attend. We also say that during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) it was permissible for women to attend the ʿĪd prayers.

Is it Still Permissible for Women to Attend Congregational Prayers?

IT IS CLEAR THAT during the time of the Master of Both Worlds and the Pride of the Children of Adam[1] (may the eternal peace and blessings of Allāh be upon him) it was permissible for women to attend congregational prayers in the masjids. However, immediately after the passing of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), during the time of his Noble Companions, the condition of the Muslims deteriorated, giving way to tribulation (*fitnah*) and decadence. The Noble Companions themselves began to prevent women from attending congregational prayers. This prevention was inferred by the Noble Companions from the commands of Allāh Most High and His beloved Messenger (may the eternal peace and blessings of Allāh be upon him), as shall be made clear to readers shortly. Based on this, the ʿulamā' of the ḥanafi school of Sharīʿah maintain that it is no longer permissible for women to attend congregational prayers. Rather, they must pray at home. Praying at home was best and commendable for them during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), but it is now necessary. This ruling of the ʿulamā' of the ḥanafi school of Sharīʿah is based on the following evidences.

1 Titles of the Beloved Messenger of Allāh, Muḥammad (may the eternal peace and blessings of Allāh be upon him).

Ḥadīth 29

حدثنا عبد الله بن يوسف، قال: أخبرنا مالك، عن يحيى بن سعيد، عن عمرة، عن عائشة رضي الله عنها، قالت: «لو أدرك رسول الله صلى الله عليه وسلم ما أحدث النساء لمنعهن كما منعت نساء بني إسرائيل» قلت لعمرة: أومنعن؟ قالت: نعم. (رواه البخاري)

It is narrated from ʿĀ'ishah (may Allāh be pleased with her) that she said: "Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited." [Yaḥya ibn Saʿīd, who narrated the ḥadīth from ʿAmrah, who narrated it from ʿĀ'ishah, says:] I asked ʿAmrah, "Were they prevented?" She replied, "Yes." (Al-Bukhāri)

Ḥadīth 30

وقد ثبت ذلك من حديث عروة عن عائشة موقوفا أخرجه عبد الرزاق بإسناد صحيح ولفظه: قالت: كن نساء بني إسرائيل يتخذن أرجلا من خشب يتشرفن للرجال في المساجد فحرم الله عليهن المساجد وسلطت عليهن الحيضة. وهذا وإن كان موقوفا فحكمه حكم الرفع لأنه لا يقال بالرأي. (فتح الباري؛ عون المعبود؛ نيل الأوطار؛ الزرقاني)

[. . .] This is established from the ḥadīth of ʿUrwah, [which he has narrated] from ʿĀ'ishah as a *mawqūf* narration (i.e. she does not attribute it to the Messenger of Allāh—may peace be upon him) with an authentic chain of transmission. The wording is: 'She said: "The women of the Banu Isrā'īl would use wooden stilts to [elevate themselves in order to] peep at men in the masjids. So, Allāh prohibited the masjids for them and inflicted menstruation upon them."[1] Even though this narration is *mawqūf*, its ruling is

1 *Muṣannaf ʿAbd al-Razzāq* (3:149), Al-Maktab al-Islāmī. The chain of narrators has

that of a *marfūʿ* narration (that is, a narration that is attributed to the Messenger of Allāh—may peace be upon him), as such a statement cannot be made by mere logic and speculation. (*Fatḥ al-Bāri*; *ʿAwn al-Maʿbūd*; *Nayl al-Awṭār*; Al-Zurqāni)[1]

Ḥāfiẓ Ibn Ḥajar, Qāḍi Shawkāni, ʿAllāmah Zurqāni (the commentator of the *Muwaṭṭa'* of Imām Mālik) and the author of *ʿAwn al-Maʿbūd* have all accepted narration 30 (above) as holding the same authority as a *marfūʿ* narration and is authentic. The following points are deduced from this ḥadīth:

- The women of the Banu Isrā'īl were allowed to attend masjids for prayer, but when they began to use wooden stilts to elevate themselves in order to peep at men in the masjids and their motives became foul, Allāh made it unlawful for them to attend masjids. Thus, due to their foul intentions and corruption, Allāh made it unlawful for the women of the Banu Isrā'īl to attend masjids.
- It is clearly established from the ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her—ḥadīth 29) that after the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) women's conduct and condition had deteriorated in such a way that had he seen them, he would have prohibited them from attending masjids, just as the women of the Banu Isrā'īl were prohibited. Thus, foul intentions and corruption are proven from the ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her). The prohibition on women attending masjids when there is foul intention and corruption is established from the command of Allāh Most High, which was directed at the women of the Banu Isrā'īl. Therefore, due to intentions being foul and widespread corruption, it is unlawful for the women of the *ummah* of the Prophet Muḥammad (may the eternal peace and blessings of Allāh be upon him) to attend masjids. The reason for this is that it is binding on us to obey the sacred laws of previous *ummahs*

been authenticated by Al-Ḥāfiẓ Ibn Ḥajar in his *Fatḥ al-Bārī* (2:350).

1 *Fatḥ al-Bārī* (2:350); *ʿAwn al-Maʿbūd* (3:276); *Nayl al-Awṭār* (3:158), Dār al-Ḥadīth (Cairo); *Sharḥ al-Zurqānī* (6:75), Maktabah al-Thaqāfat al-Dīniyyah.

that were not abrogated, just as it is binding to obey the sacred laws of our own Sharīʿah. Allāh Most High says: فَبِهُدَىٰهُمُ ٱقۡتَدِهۡۗ Here, Allāh Most High is commanding His beloved Messenger (may the eternal peace and blessings of Allāh be upon him) to follow the guidance of previous Prophets. By 'guidance', their sacred laws are intended.

Ḥadīth 31

فقال ابن عباس رضي اللّٰه عنهما: نبيكم صلى اللّٰه عليه وسلم ممن أمر أن يقتدي بهم. (رواه البخاري)

It is narrated from Ibn ʿAbbās (may Allāh be pleased with him and his father) that he said: "Your Prophet (may the eternal peace and blessings of Allāh be upon him) is amongst those who have been commanded to follow them (i.e. previous Prophets)." (Al-Bukhāri)[1]

Due to the Divine scriptures of the previous sacred laws not being preserved [in their original and unadulterated conditions], it is not binding on us to follow the laws that are found in those scriptures in their current [published] forms. This is due to the lack of certainty as to whether they are indeed sacred laws. However, when the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) informs us regarding a command of a previous sacred law that it is still binding and has not been abrogated or superseded, it becomes as binding upon us as any command from our Sharīʿah.[2] When it has been established from the above authentic ḥadīth that during the time of tribulation (*fitnah*) and general decadence, Allāh Most High prohibited the women of the Banu Isrā'īl from attending masjids, this prohibition shall undoubtedly be binding on the women of the *ummah* of the Prophet Muḥammad (may the eternal peace and blessings of Allāh be upon him). This prohibition is based

1 *Ṣaḥīḥ al-Bukhāri* (4:161).

2 ومما يتصل بسنة نبينا عليه السلام شرائع من قبله، والقول الصحيح فيه: إن ما قص اللّٰه تعالى أو رسوله منها من غير انكار، يلزمنا على أنه شريعة لرسولنا. (الحسامي – بحث السنة ١/ ٩٢، ط. مير محمد)

on the same Divine command. This evidence is very clear; there is absolutely no doubt or ambiguity surrounding it—especially, as there is a Qur'ānic āyah and a couple of authentic ḥadīths proving this very unequivocally. Despite this, it is possible that some people make the objections given below. Therefore, in addressing the issue from every angle, the objections are mentioned with their answers.

Objection 1

Any law of a previous sharīʿah is binding on us only when it is not in direct contradiction to a law in our own Sharīʿah. In the matter under dispute here, this is not the case, as our Sharīʿah has permitted women to attend masjids. This means the earlier prohibition has been superseded and abrogated. Therefore, to use this superseded law to prove the prohibition of women's attendance at masjids is nothing but using an abrogated, no longer applicable law as proof.

Response

This is incorrect, as the same ḥadīth proves that the women of the Banu Isrā'īl used to attend the masjids for prayer, and that doing so was permissible for them. However, when they developed foul intentions and fell into corruption, attendance at masjids was made unlawful for them. Therefore, the law of the sharīʿah of the Banu Isrā'īl was that during times of tribulation (*fitnah*) and general decadence attendance at masjids was unlawful for women. Our Sharīʿah did not abrogate this law. As for the [initial] permission for women to attend masjids, this was so due to the absence of tribulation (*fitnah*) and general decadence at the time. This permission of the time of absence of tribulation (*fitnah*) and general decadence cannot be used to abrogate the impermissibility of the time of tribulation (*fitnah*) and general decadence. The absence of this widespread foul intention and decadence during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), which is the reason for the prohibition, is proven clearly from the ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her—ḥadīth 29). She states unequivocally that

these forms of misconduct, tribulation (*fitnah*) and general decadence had not come into existence then. Therefore, the permission of that time cannot be taken to be in contradiction to, or an abrogation of, the prohibition of today.

Objection 2

To claim that there was no tribulation (*fitnah*) and decadence during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) is not correct. Some people used to stand in the back rows during congregational prayer in order to peep at women, while some pious men used to desire standing in the front rows in order to avoid [inadvertent] glances at women. Regarding this, the verse of the Noble Qur'ān was revealed[1]:

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1 Imām Abu Ja'far Muḥammad ibn Jarīr al-Ṭabari, in his *tafsīr* of the Noble Qur'ān, mentions six interpretations given by the pious predecessors to this verse. Imām al-Qurṭubi, in his *tafsīr* of the Noble Qur'ān, mentions eight interpretations to this verse. One of those interpretations mentioned is the one given by Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī here. Imām Ibn Kathīr, in his *tafsīr* of the Noble Qur'ān, also mentions this interpretation and comments on the various ḥadīth sources for this interpretation. Out of all eight interpretations, Imām al-Qurṭubi gives preference to the interpretation that this verse was revealed regarding people's preference to stand at the front rows of the congregational prayer and at the back rows, in order to avoid seeing women or to peep at them from under the arms during prostration.

Imām Abu Ja'far Muḥammad ibn Jarīr al-Ṭabari reports from Ibn 'Abbās (although, Imām Ibn Kathīr argues that it is likely to have been the statement of the narrator, Abu 'l-Jawzā'—and not Ibn 'Abbās) the following:

> One of the most beautiful women used to pray behind the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him). Some people used to seek the front row, in order to avoid seeing her. Others would seek the rear, so that they were in the rearmost row. When they would bow, they would look [at the woman] from under the armpit. Thus, Allāh sent down regarding [this]: For ever have We known those of you who went ahead, and We have known those who remained behind. (*Al-Ḥijr*: 24)

See: Abu Ja'far Muḥammad ibn Jarīr al-Ṭabari, *Jāmi' al-Bayān 'an Ta'wīl Āyi 'l-Qur'ān* (14:54), Dār Hajr (Cairo, 1422/2001); Abu 'Abd Allāh Muḥammad ibn Aḥmad al-Anṣāri al-Qurṭubi, *Al-Jāmi' li Aḥkām al-Qur'ān* (10:16), Dār Iḥyā' al-Turāth al-'Arabiyy (Beirut, no date); 'Imād al-Dīn Abu 'l-Fidā' Ismā'īl ibn 'Umar ibn Kathīr al-Dimashqi, *Tafsīr al-Qur'ān al-'Aẓīm* (4:645), Dār Ibn al-Jawzi (Riyadh/Jeddah, 1431).

وَلَقَدْ عَلِمْنَا ٱلْمُسْتَقْدِمِينَ مِنكُمْ وَلَقَدْ عَلِمْنَا ٱلْمُسْتَـْٔخِرِينَ ﴿٢٤﴾

> For ever have We known those of you who went ahead, and We have known those who remained behind. (Al-Ḥijr: 24)

It is reported in the *Sunan* of Imām Tirmidhi that a man raped a woman. Another man was suspected of it and arrested. The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) had almost ordered his stoning when the one who had committed the offence, seeing that an innocent man was about to suffer because of him, presented himself and admitted to the offence. He was subsequently stoned. Thus, when the occurrence of such incidents is proven during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), how can it be correct to claim that due to safety from tribulation (*fitnah*) and corruption, it was permissible for women to attend masjids for prayers, and that due to this no longer being the case afterwards, it was prohibited?

Response 1

The unlawfulness of the women of the Banu Isrā'īl attending masjids for prayers was due to their foul intentions. In her ḥadīth, *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) has pointed to new ways of misconduct by women. By joining both ḥadīths, it is clear that the tribulation (*fitnah*) and decadence that was the reason for the prohibition was the corruption of women's intentions. The Qur'ānic verse and the ḥadīth that have been presented in the objection only prove the foul intentions of men, not women. Therefore, these incidents are unrelated to the prohibition. The reality is that if a woman's intention is pure, far less wrongdoings will occur due to men's foul intentions than when the woman's intention is itself foul. This is why when the women of the Banu Isrā'īl developed foul intentions, the prohibition was issued. Likewise, when the women of the ummah of the Prophet Muḥammad (may the eternal peace and blessings of Allāh be upon him) developed foul intentions, the prohibition on their attendance at masjids for congregational prayers

was issued. Even if we disregard the difference between the foul intentions of women and men, these incidents cannot be presented to prove ambiguity. The reason for this is that a few random incidents during the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) do not render the period one of tribulation (*fitnah*) and corruption. A period of tribulation (*fitnah*) and corruption is one in which such incidents are rife. It is clearly understood from the ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) that this condition came to be only after the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

Response 2

A second argument is possible using the abovementioned ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her):

> «لو أدرك رسول اللّٰه صلى اللّٰه عليه وسلم ما أحدث النساء لمنعهن كما منعت نساء بني إسرائيل». (رواه البخاري)
>
> Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited. (Al-Bukhāri)[1]

It is clear from this ḥadīth that the misconduct of women did not exist during the blessed time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him). Rather, it developed after his demise. Hence, the inference from the statement of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) is that the existence of such misconduct necessitates the prohibition. In order to emphasise this prohibition, she has used the Arabic letter *lām* before

1 *Talkhīṣ al-Ḥabīr* (2:164).

the verb[1]. Thus, this statement of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) establishes the inseparability of such misconduct and the prohibition[2]. Whenever the existence of such misconduct is established, the prohibition shall follow by default. Otherwise, the inseparability is not maintained. As the existence of misconduct is established after the time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) by this ḥadīth, its default prohibition is established too.

Objection 3

Ḥāfiẓ Ibn Ḥajar (may Allāh have mercy on him), in his *Fatḥ al-Bāri*, has questioned this line of argument in proving absolute prohibition. *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) has attached the prohibition to a condition. If this condition is not found, the prohibition will not apply. The absence of a condition necessitates the absence of the result of that condition[3]. Therefore, it may be said:

لم ير، فلم يمنع، فاستمر الحكم

> The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) did not [live to] see such misconduct—therefore, he did not prohibit women. The permission for them to attend masjids remained.[4]

Response

Ḥāfiẓ Ibn Ḥajar's claim is that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) did not witness the misconduct of women. Therefore, he did not prohibit them. However,

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1 That is, instead of saying *manaʿahunna*, she said *lamanaʿahunna—he would have surely prohibited them*.

2 That is, wherever such misconduct of women is found, they will be prohibited from attending masjids for congregational prayers.

3 انتفاء الشرط يلزم انتفاء المشروط.

4 قال في فتح الباري: وتمسك بعضهم بقول عائشة في منع النساء مطلقا وفيه نظر إذ لا يترتب على ذلك تغير الحكم لأنها علقته على شرط لم يوجد بناء على ظن ظنته فقالت لو رأى لمنع فيقال عليه لم ير ولم يمنع فاستمر الحكم (كتاب الأذان – باب خروج النساء إلى المساجد بالليل والغلس ٢/ ٣٤٩)

for him to then claim فاستمر الحكم (the permission for them to attend masjids remained) is questionable. We have mentioned that it is proven from the statement of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) that the existence of misconduct necessitates the prohibition. Therefore, Ḥāfiẓ Ibn Ḥajar's claim that despite the existence of misconduct, the permission for women to attend masjids remained cannot be correct. Yes, if he does not accept the above line of argument and says that the existence of misconduct does not necessitate prohibition, as is inferred from his words بناء على ظن ظنته, then there are two responses to this:

- Our objective is to use the statement of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) as evidence of the inseparability of misconduct and prohibition. This is established. She asserts that by necessity the prohibition follows misconduct. Ḥāfiẓ Ibn Ḥajar rejects this by saying this is only her view and understanding. We take the statement of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) as evidence and not that of Ḥāfiẓ Ibn Ḥajar.
- The assertion of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) that misconduct necessitates prohibition is not merely her view and understanding. Rather, she believes this to be the command of Allāh Most High. To support this, she presents the very strong narration regarding the women of the Banu Isrā'īl. Thus, when it is established that the existence of misconduct necessitates prohibition, Ḥāfiẓ Ibn Ḥajar's claim that the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) did not witness the misconduct and, therefore, he did not prohibit them, which means that the permission remains, is incorrect. An analogy of this can be drawn with grape juice. As long as it has not become intoxicating, it will be absolutely correct to say regarding it: لو كان مسكرا لحرم شربه (if it had been intoxicating, drinking it would have been unlawful). If one then claims: لم يكن مسكرا فلم يحرم فاستمر الحكم (It was not intoxicating. Therefore, its lawfulness remains). In other words, even after the presence of intoxication, its lawfulness remains and it is not deemed unlawful. This line of argument can never be correct.

Objection 4

Ḥāfiẓ Ibn Ḥajar (may Allāh have mercy on him), in his *Fatḥ al-Bāri*, has also questioned the evidence by arguing that if the presence of misconduct and tribulation (*fitnah*) were to necessitate prohibition, then Allāh Most High would have known [in His infinite knowledge] that such misconduct and tribulation (*fitnah*) would become widespread. Why did He, then, not send down the prohibition?[1]

Response

Allāh Most High knew that misconduct and tribulation (*fitnah*) would come into existence in the future. However, it had not yet come into existence. Therefore, it was not necessary to send down a command regarding it before its coming into existence. If the argument of Ḥāfiẓ Ibn Ḥajar were to be valid, no contemporaneous command would be free from such objection. For instance, the laws regarding *tayammum* (dry ablution) came down during the journey in which *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) complained and [her father] *Sayyiduna* Abu Bakr (may Allāh be pleased with him) rebuked and punished her.[2] One may ask Ḥāfiẓ Ibn Ḥajar, Allāh Most High knew that such exceptional circumstances would arise, when water would not be available. Why did He not send down the laws of *tayammum* in advance (i.e. prior to the incident)? There are thousands of laws like this, which were sent down at particular times after particular incidents. The above objection of Ḥāfiẓ Ibn Ḥajar will apply

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1 قال في فتح الباري: وأيضا فقد علم الله سبحانه ما سيحدثن فما أوحى إلى نبيه بمنعهن (كتاب الأذان—باب خروج النساء إلى المساجد بالليل والغلس ٢/ ٣٤٩)

2 عن عائشة زوج النبي صلى الله عليه وسلم، قالت: خرجنا مع رسول الله صلى الله عليه وسلم في بعض أسفاره، حتى إذا كنا بالبيداء أو بذات الجيش انقطع عقد لي، فأقام رسول الله صلى الله عليه وسلم على التماسه، وأقام الناس معه وليسوا على ماء، فأتى الناس إلى أبي بكر الصديق، فقالوا: ألا ترى ما صنعت عائشة؟ أقامت برسول الله صلى الله عليه وسلم والناس وليسوا على ماء، وليس معهم ماء، فجاء أبو بكر ورسول الله صلى الله عليه وسلم واضع رأسه على فخذي قد نام، فقال: حبست رسول الله صلى الله عليه وسلم والناس، وليسوا على ماء، وليس معهم ماء، فقالت عائشة: فعاتبني أبو بكر، وقال: ما شاء الله أن يقول وجعل يطعنني بيده في خاصرتي، فلا يمنعني من التحرك إلا مكان رسول الله صلى الله عليه وسلم على فخذي، «فقام رسول الله صلى الله عليه وسلم حين أصبح على غير ماء، فأنزل الله آية التيمم فتيمموا»، فقال أسيد بن الحضير: ما هي بأول بركتكم يا آل أبي بكر، قالت: فبعثنا البعير الذي كنت عليه، فأصبنا العقد تحته (صحيح البخاري ١/ ٧٤ – كتاب التيمم – حديث ٣٣٥)

to all of these laws. Whatever reply he will give to our question is what we will give him in response to his objection.

Secondly, indeed Allāh Most High knew that misconduct and tribulation (*fitnah*) would come into existence in the future. He had sent down the prohibition. That is, He had made it unlawful for the women of the Banu Isrā'īl to attend masjids for congregational prayers. That prohibition applies to us too. Therefore, there was no need to send down a prohibition separately for us. Rather, it was sufficient to mention the previous command of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) to us.[1]

Objection 5

Ḥāfiẓ Ibn Ḥajar (may Allāh have mercy on him) has also argued that even if foul intentions and tribulation (*fitnah*) were to necessitate prohibition, it should only apply to those women who are guilty of the same. It is not correct to enforce the prohibition on all women.[2]

Response

When foul intentions, misconduct and tribulation (*fitnah*) come into existence, it is very difficult to ascertain which individual woman has fallen prey to this. In fact, it is almost impossible. If some women were to be allowed to attend masjids for congregational prayers, all other women would also attend by arguing that we too do not have foul intentions or misconduct. Even if a checker were to stand at the door with a whip (to deter wrongdoing women from attending), he would not be able to differentiate between those women who have good intentions and those who have foul intentions. This is because foul intention is an internal and invisible matter, which is not known to anyone except the Knower of the unseen (Allāh Most High).[3] There

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1 إن ما قص الله تعالى أو رسوله منها من غير انكار يلزمنا أنه شريعة لرسولنا. (الحسامي – بحث السنة، ص٩٢–٩٣ – ط. مير محمد، كراتشي)

2 قال في فتح الباري: وأيضا فالإحداث إنما وقع من بعض النساء لا من جميعهن فإن تعين المنع فليكن لمن أحدثت. (كتاب الأذان – باب خروج النساء إلى المساجد بالليل والغلس ٢/ ٣٤٩)

3 إِنَّهُۥ عَلِيمُۢ بِذَاتِ ٱلصُّدُورِ ۝ (سورة هود ٥)

is no way of filtering out just those women who have foul intentions. Therefore, in order to address the problem at its root and leave no scope for any possible violation, it is necessary to enforce the prohibition on all women (irrespective of the intention of every individual woman). In this manner, the door to this tribulation (*fitnah*) may be completely shut. The analogy of this in the Sharīʿah can be drawn with how the hypocrites (*munafiqs*) used to say to the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) "*Rāʿinā*" and intend thereby its rude meaning. Sincere Muslims would also say the same to him, but intend its polite meaning—Please pay attention to us. This meaning was correct. However, since the usage of this word allowed the hypocrites and Jews the opportunity to be rude with the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) and get away with it, and there was no way of ascertaining who was saying it for what intended meaning, Allāh Most High prohibited the Muslims from using it:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ لَا تَقُولُواْ رَٰعِنَا وَقُولُواْ ٱنظُرْنَا وَٱسْمَعُواْ[1]

Similarly, since it is difficult to differentiate between women with good intentions and bad intentions, in order to completely shut the door to any possibility of this tribulation (*fitnah*), it is necessary to prevent all women from it. It is also established from the narration regarding the women of the Banu Isrāʾīl that attendance at masjids was generally prohibited for them. Therefore, Ḥāfiẓ Ibn Ḥajar's arguments are not valid.

Ḥadīth 32

وعن عبد الله بن مسعود قال: كان الرجال والنساء من بني إسرائيل يصلون جميعا، فكانت المرأة إذا كان لها خليل تلبس القالبين تطول بهما لخليلها فألقى الله – عز وجل – عليهن الحيض. فكان ابن مسعود يقول: أخرجوهن من حيث أخرجهن الله. قلنا لأبي بكر: ما القالبين؟ قالوا: رفيضتين من خشب. (رواه الطبراني في الكبير ورجاله

1 سورة البقرة ١٠٤

رجال الصحيح – مجمع الزوائد ٢/ ٣٥)

It is narrated from ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) that he said: "The men and women of the Banu Isrā'īl used to pray together. If a woman had a [boyfriend in the congregation], she would wear wooden stilts in order to raise herself and see her [boyfriend]. Then, Allāh Most Magnificent and Majestic inflicted them with menstruation." Ibn Masʿūd used to say: "Expel them [from the masjids] just as Allāh has expelled them." (Al-Ṭabarāni in *Al-Kabīr—Majmaʿ al-Zawā'id*, 2:35)

Ḥadīth 33

وعن أبي عمرو الشيباني أنه رأى عبد اللّٰه يخرج النساء من المسجد يوم الجمعة ويقول: اخرجن إلى بيوتكن خير لكن. رواه الطبراني في الكبير ورجاله موثقون. (مجمع الزوائد ٢/ ٣٥)

Abu ʿAmr al-Shaybāni says that he saw ʿAbd Allāh [ibn Masʿūd—may Allāh be pleased with him] ordering women out of the masjid on Jumuʿah day and saying to them: "Get out and into your homes. That is better for you." (Al-Ṭabarāni in *Al-Kabīr*. Its narrators are reliable.—*Majmaʿ al-Zawā'id*, 2:35)

It is clearly established from the above narrations that *Sayyiduna* ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) used to remove women from the masjid on Jumuʿah days and he used to order the people to do the same. He would relate the incident of the women of the Banu Isrā'īl in this regard—that they were prohibited from attending congregational prayers at the masjid due to foul intentions and misconduct—and state this to be the command of Allāh Most High.

This narration from *Sayyiduna* ʿAbd Allāh ibn Masʿūd (ḥadīth 33) is given the status and authority of a *marfūʿ* narration[1], its meaning is similar to that of the narration from *Umm al-Mu'minīn* ʿĀ'ishah (may

1 That is, it is attributed to the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

Allāh be pleased with her) and its chain of transmitters is reliable, as Ḥāfiẓ al-Haythami has stated. It is clearly established from both these narrations that when foul intentions and misconduct became prevalent in women, Allāh Most High commanded that they be expelled from the masjid. Thus, it became prohibitively disliked (*makrūh taḥrīman*) for them to attend the masjid [for congregational prayers].

Companions, Successors, Founders of the Legal Schools and Jurist Imāms who Maintained it is Prohibitively Disliked (Makrūh Taḥrīman) for Women to Attend Masjids

LET US NOW LOOK at who, from amongst the Noble Companions (*Ṣaḥābah*), their successors (*tābiʿūn*), founders of the legal schools (*mujtahidūn*), jurist imams (*fuqahā'*) and masters of ḥadīth (*muḥaddithūn*) maintained that it is disliked (*makrūh*) or prohibited for women to attend masjids after the blessed time of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

Ḥadīth 34

عن ابن عمر، قال: كانت امرأة لعمر تشهد صلاة الصبح والعشاء في الجماعة في المسجد، فقيل لها: لم تخرجين وقد تعلمين أن عمر يكره ذلك ويغار؟ قالت: وما يمنعه أن ينهاني؟ قال: يمنعه قول رسول اللّٰه صلى اللّٰه عليه وسلم: «لا تمنعوا إماء اللّٰه مساجد اللّٰه». (صحيح البخاري، مصنف ابن أبي شيبة)

Ibn ʿUmar (may Allāh be pleased with them both) says: "One of the wives of ʿUmar used to attend the congregational morning and night prayers in the masjid. It was said to her: 'Why do you go out [to congregational prayers] when you know that ʿUmar dislikes that and is indignant?' She replied: 'What prevents him from forbidding me?' He said: 'The statement of the Messenger of Allāh

(may the eternal peace and blessings of Allāh be upon him) 'Do not prevent the bondswomen of Allāh from His masjids' prevents him.'" (Al-Bukhāri; *Al-Muṣannaf li Ibn Abi Shaybah*)[1]

It is clearly established from this narration that *Sayyiduna* ʿUmar (may Allāh be pleased with him) even disliked women attending the morning (fajr) and ʿishā' prayers at the masjid and was indignant about it. This indignation of his was undoubtedly because of the fear of tribulation (*fitnah*). [Imām] Shāh Wali Allāh (may Allāh have mercy upon him) calls this a praiseworthy indignation. In the *Muwaṭṭa'* of Imām Mālik, this incident is reported in the following words:

عن عاتكة بنت زيد بن عمرو بن نفيل، امرأة عمر بن الخطاب؛ أنها كانت تستأذن عمر بن الخطاب إلى المسجد. فيسكت. فتقول: واللّٰه لأخرجن، إلا أن تمنعني. فلا يمنعها. (موطأ مالك ح٦٧٦)

ʿĀtikah bint Zayd ibn ʿAmr ibn Nufayl, the wife of ʿUmar ibn al-Khaṭṭāb (may Allāh be pleased with them both) says that she used to seek ʿUmar ibn al-Khaṭṭāb's permission to go to the masjid. He would remain silent. She would say: "By Allāh! I shall indeed go, except if you forbid me." He would not forbid her. (*Al-Muwaṭṭa'*)

In the variant of this narration found in *Ṣaḥīḥ al-Bukhāri*, it is clearly stated that *Sayyiduna* ʿUmar's silence was not because of his agreement and pleasure. Rather, it was because of his dislike and displeasure. Likewise, ʿAllāmah Zurqāni, in his commentary of the *Muwaṭṭa'* of Imām Mālik, states that the reason for *Sayyiduna* ʿUmar's silence was his displeasure:

(أنها كانت تستأذن عمر بن الخطاب إلى المسجد فيسكت) لأنه كان يكره خروجها للصبح والعشاء. (شرح الزرقاني على الموطأ – ج١ ص٦٧٥)

As for the question, if *Sayyiduna* ʿUmar (may Allāh be pleased with him) disliked it, why did he not forbid her? The answer to this is that

1 *Ṣaḥīḥ al-Bukhāri* (2:6); *Al-Muṣannaf li Ibn Abī Shaybah* (2:156), Maktabah al-Rushd (Riyadh); *Kanz al-ʿUmmāl* (8:325).

this incident relates to his wife ʿĀtikah bint Zayd. She had stipulated the condition at the time of her marriage to *Sayyiduna* ʿUmar that he shall not prevent her from attending the masjid for prayers.[1] This is why *Sayyiduna* ʿUmar refrained from forbidding her from attending the masjid, but he was, nevertheless, unhappy that she was attending the masjid. He used to consider this *makrūh* (disliked).

If the question is asked, if *Sayyiduna* ʿUmar considered it *makrūh* for women to attend congregational prayers at the masjid, why did he then accept the condition at the time of their marriage? The answer to this is that at the time of their marriage, the condition of misconduct and tribulation (*fitnah*) in women was not so bad that *Sayyiduna* ʿUmar considered it *makrūh* for women to attend congregational prayers at the masjid. Therefore, he accepted the stipulated condition at the time. However, after their marriage, the condition of misconduct and tribulation (*fitnah*) in women deteriorated to such a degree that he began to consider it *makrūh*. Despite this, he remained true to his word and did not forbid her from attending the masjid. As for the claim in ḥadīth 34 above that he was prevented from preventing her by the statement of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) "Do not prevent the bondswomen of Allāh from His masjids", this is questionable. Firstly, there is nothing definitive and absolute to prove that this indeed was the case, as nothing is transmitted directly from *Sayyiduna* ʿUmar in this regard. It is possible that this was merely people's speculation. Secondly, if indeed he was not preventing her due to the Prophetic statement, why was he, then, considering her attendance *makrūh*? The fact of the matter is that the reason why he used to consider it *makrūh* was his fear of tribulation (*fitnah*) and the reason for his refraining from

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1 (أنها كانت تستأذن عمر بن الخطاب إلى المسجد فيسكت) لأنه كان يكره خروجها للصبح والعشاء (فتقول: والله لأخرجن إلا أن تمنعني) لأنها كانت ترى أن له منعها، وتريد أن يكون لها أجر الخروج وإن منعت مع نيتها، قاله الباجي (فلا يمنعها) لئلا يخالف الحديث، ولأنه لما خطبها شرطت عليه أن لا يضربها، ولا يمنعها من الحق، ولا من الصلاة في المسجد النبوي، ثم شرطت ذلك على الزبير فتحيل عليها بأن كمن لها لما خرجت لصلاة العشاء، فلما مرت به ضرب على عجيزتها، فلما رجعت قالت: إنا لله فسد الناس فلم تخرج بعد، ذكره في التمهيد. – شرح الزرقاني على الموطأ، ج١ ص ٦٧٥، ط. مكتبة الثقافة الدينية، القاهرة ١٤٢٤

preventing her was the desire to fulfil his promise of abiding by the stipulated condition. To consider it *makrūh* due to the fear of tribulation (*fitnah*) is not opposition to the Prophetic statement, "Do not prevent the bondswomen of Allāh from His masjids".

[ʿAllāmah al-Shawkāni states:]

والرابع: أنه مكروه، وقد حكاه الترمذي عن الثوري وابن المبارك، وهو قول مالك وأبي يوسف، وحكاه ابن قدامة عن النخعي ويحيى بن سعيد الأنصاري. (نيل الأوطار – ج٣ ص٣٤٢)

The fourth opinion is that it is *makrūh* (disliked) for women to attend the ʿĪd prayers. This opinion has been related by Al-Tirmidhi from Al-Thawri and Ibn al-Mubārak. This is [also] the opinon of Mālik and Abu Yūsuf. Ibn Qudāmah has related this from Al-Nakhaʿi and Yaḥyā ibn Saʿīd al-Anṣāri. (*Nayl al-Awṭār*, 3:342)

[ʿImām al-Nawawi states:]

قال أصحابنا يستحب إخراج النساء غير ذوات الهيئات والمستحسنات في العيدين دون غيرهن وأجابوا عن إخراج ذوات الخدور والمخبأة بأن المفسدة في ذلك الزمن كانت مأمونة بخلاف اليوم ولهذا صح عن عائشة رضي اللّٰه عنها لو رأى رسول اللّٰه صلى اللّٰه عليه وسلم ما أحدث النساء لمنعهن المساجد كما منعت نساء بني إسرائيل قال القاضي عياض واختلف السلف في خروجهن للعيدين فرأى جماعة ذلك حقا عليهن منهم أبو بكر وعلي وابن عمر وغيرهم رضي اللّٰه عنهم ومنهم من منعهن ذلك منهم عروة والقاسم ويحيى الأنصاري ومالك وأبو يوسف وأجازه أبو حنيفة مرة ومنعه مرة. (المنهاج شرح صحيح مسلم بن الحجاج للنووي – ج٦ ص١٧٨ وعون المعبود شرح سنن أبي داود ج٣ ص٤٨٨)

Our companions[1] state that it is desirable to take to the place of ʿĪd prayer women who are not of a respectable social status and who are not deemed beautiful. Otherwise, they should not be taken to the place of ʿĪd prayer. As for the encouragement in ḥadīth to take women who observe the seclusion of ḥijāb, our companions

1 That is, the imams of the shāfiʿi school.

have explained that it was safe and there was no risk of wrongdoing or corruption involved during those times[1], as opposed to today. Therefore, it has been authenticated from *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her) that, "Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited." Al-Qāḍi ʿIyāḍ states, "The salaf (pious predecessors) have differed on the issue of women going out to the two ʿĪd prayers. A group of them saw it as a true right upon them to attend the two ʿĪd prayers. From this group is [*Sayyiduna*] Abu Bakr, [*Sayyiduna*] ʿAli, [*Sayyiduna*] Ibn ʿUmar and others (may Allāh be pleased with them all). Another group forbade women from attending the two ʿĪd prayers. From this group is ʿUrwah, al-Qāsim, Yaḥyā al-Anṣāri, Mālik and Abu Yūsuf. Abu Ḥanīfah permitted it and also forbade it." (*Al-Minhāj Sharḥ Ṣaḥīḥ Muslim ibn al-Ḥajjāj*, 6:178; *ʿAwn al-Maʿbūd Sharḥ Sunan Abi Dāwūd*, 3:488)

[ʿImām Shāh Wali Allāh al-Dehlawi states:]

ومنها ما إذا كان خوف فتنة كامرأة أصابت بخورا، ولا اختلاف بين قوله صلى اللّٰه عليه وسلم: «إذا استأذنت امرأة أحدكم إلى المسجد فلا يمنعها» وبين ما حكم به جمهور الصحابة من منعهن إذ المنهي الغيرة التي تنبعث من الأنفة دون خوف الفتنة، والجائز ما فيه خوف الفتنة، وذلك قوله صلى اللّٰه عليه وسلم «الغيرة غيرتان» الحديث، وحديث عائشة «إن النساء أحدثن» الحديث. (حجة اللّٰه البالغة ج٢ ص٤١)

From amongst those reasons [due to which it is permissible not to attend congregational prayers] is the fear of misconduct and tribulation (*fitnah*). For example, when a woman is wearing perfume. There is no contradiction between the statement of the Messenger

1 That is, the time of the Beloved Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him).

> of Allāh (may the eternal peace and blessings of Allāh be upon him), "When the wife of one of you seeks permission to go to the masjid, he must not prevent her" and the prevention of the majority of the Noble Companions. For, the indignance due to which a man may prevent his wife, and which the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has forbidden here, is the indignance that stems from pride and haughtiness, and not the fear of misconduct and tribulation (*fitnah*). The indignance that is permissible [is a righteous one, which] stems from the fear of misconduct and tribulation (*fitnah*). That is the meaning of the statement of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him)
>
> الغيرة غيرتان.
>
> "Indignance is of two types." This is also the meaning of the ḥadīth of *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her). (*Ḥujjat Allāh al-Bālighah*, 2:41)

It has been clearly established from the above texts that the following [*salaf*] prohibited women from attending the congregational five daily prayers and the two ʿĪd prayers, or they considered it *makrūh*: the majority of the Noble Companions (may Allāh be pleased with them all—*Ḥujjat Allāh al-Bālighah*), *Umm al-Mu'minīn* ʿĀ'ishah (may Allāh be pleased with her—ḥadīth 29 and 30), [*Sayyiduna*] ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him—ḥadīth 32 and 33), [*Sayyiduna*] ʿUmar ibn al-Khaṭṭāb (may Allāh be pleased with him—ḥadīth 34), Sufyān al-Thawri and ʿAbd Allāh ibn al-Mubārak (*Sunan al-Tirmidhi*), Imām Mālik, Imām Abu Yūsuf, Ibrāhīm al-Nakhaʿi, Yaḥyā ibn Saʿīd al-Anṣāri (*Nayl al-Awṭār*), *Umm al-Mu'minīn* ʿĀ'ishah's nephew—ʿUrwah ibn al-Zubayr, al-Qāsim and Imām Abu Ḥanīfah (Al-Nawawi, *ʿAwn al-Maʿbūd*).

From the above discussion, readers would have understood very well that prevention of women from attending congregational prayers began during the time of the Noble Companions (may Allāh

be pleased with them all). The root of this prevention was the command of Allāh Most High, which was sent down during the times of tribulation (*fitnah*) and general decadence of the women of the Banu Isrā'īl. From the time of the Noble Companions till today, a group of *muḥaddithūn* (masters of ḥadīth) and *fuqahā'* (jurists) has maintained this prohibition, details of which have already been given.

If after reading this [treatise], women feel despondent because they are deprived of the reward promised to men for praying at the Prophet's Masjid—that is, the reward of a prayer performed there is equal to the reward of fifty thousand prayers performed elsewhere, then there are two points for their consolation.

- Firstly, they should not be despondent at all. Rather, they should be happy that Allāh Most High has made their prayer that is performed at home better than the prayer performed at the Prophet's Masjid (see ḥadīth 4). Men have to traverse some distance in order to attain the extra rewards, whereas for women, [they need not leave home.] Their prayer performed [in the comfort of their home] has been declared better than at the masjid. Therefore, this is actually a cause for joy and gratitude, not sorrow and despondence.
- Secondly, to go out of the home and participate in gatherings has been enjoined by Allāh Most High exclusively upon men. Likewise, participation in jihād, waʿẓ, khuṭbah, administration of government and the judiciary etc. are examples of many duties that have been exclusively enjoined upon men. Therefore, in accordance with the statement of Allāh Most High

وَلَا تَتَمَنَّوْا۟ مَا فَضَّلَ ٱللَّهُ بِهِۦ بَعْضَكُمْ عَلَىٰ بَعْضٍ ۚ لِّلرِّجَالِ نَصِيبٌ مِّمَّا ٱكْتَسَبُوا۟ ۖ وَلِلنِّسَآءِ نَصِيبٌ مِّمَّا ٱكْتَسَبْنَ ۚ وَسْـَٔلُوا۟ ٱللَّهَ مِن فَضْلِهِۦٓ ۚ إِنَّ ٱللَّهَ كَانَ بِكُلِّ شَىْءٍ عَلِيمًا ﴿٣٢﴾ (النساء ٣٢)

(You shall not covet that with which Allāh has favoured some of you over others. To men [goes in recompense] the portion that they have earned. And to women [goes in recompense] the por-

> tion that they have earned. Rather, ask Allāh of His bounty. Indeed, Allāh is ever knowing of all things.—Al-Ḥijr: 24)

it is prohibited for women to desire participation in these exclusively men's duties. Similarly, to desire participation in congregational prayers is wrong. The truth is, no matter how attractive and virtuous a deed may appear to us, our duty is to keep our thoughts and desires subject to the pleasure of Allāh Most High and his Beloved Messenger (may the eternal peace and blessings of Allāh be upon him). Whatever Allāh Most High and his Beloved Messenger state to be best and most virtuous, we should hold that as such. The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) has declared a woman's prayer in her home better and more virtuous than her prayer in his masjid and with him (see ḥadīth 4). Therefore, women's expression of obedience lies in believing this to be better and more virtuous, and discarding the thought that attendance at the masjid congregation is more virtuous.

Some of those who claim to practice upon ḥadīth mislead people by saying that the prohibition of the Noble Companions, in opposition to the permission of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), is not acceptable. This is because the statement of the Noble Companions is no proof in opposition to a *marfūʿ* ḥadīth (that is, a ḥadīth that is attributed to the Messenger of Allāh—may peace be upon him). This is a deception and misunderstanding. The statement of a noble companion is not a proof in opposition to a *marfūʿ* ḥadīth only when there is a contradiction between the two and it is not possible to reconcile between the two. This is not the case here. The permission granted by the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) was due to the absence of tribulation (*fitnah*), while the prohibition of the Noble Companions was due to the presence of tribulation (*fitnah*), as has been clearly shown in the ḥadīth of *Umm al-Muʾminīn* ʿĀʾishah (may Allāh be pleased with her and all the Noble Companions). Thus, there is no contradiction between the *marfūʿ* ḥadīth and the statement

of the Noble Companions. Besides this, the prohibition is not only found in the statement or practice of the Noble Companions, it is also found in ḥadīth 5, which is given the status and authority of a *marfūʿ* ḥadīth. It proves the prohibition from Allāh Most High during times of tribulation (*fitnah*). In such a circumstance, the abandonment of a *marfūʿ* ḥadīth for a statement of a noble companion is not found[1], as has been discussed in detail in the third chapter.

The last of our prayers is [always]: All praise is for Allāh [alone], Lord of all the worlds. May His eternal peace and blessings be upon His Messenger, Muḥammad, his family and all his companions.

Written by the one who hopes for the mercy of his Lord:

MUḤAMMAD KIFĀYATULLĀH
May Allāh make him reach his ultimate wish.
Madrasah Amīniyyah, Delhi
1st Dhu 'l-Ḥijjah 1334

وآخر دعوانا أن الحمد للّٰه رب العالمين، والصلوة والسلام
على رسوله محمد وآله وأصحابه اجمعين.

كتبه الراجي رحمة مولاه محمد كفايت اللّٰه –
أوصله اللّٰه غاية متمناه.

مدرسة أمينية دهلي

يكم ذي الحجة سنه ١٣٣٤ه

1 That is, it does not happen.

Translator's Addendum

WHEN I EMBARKED on this project, it was my intention to include here, by way of addendum, an exhaustive selection of passages of texts from some of the references listed in the *Further Reading* section—especially, from key and authoritative fiqh works—with their English translation, in order to further highlight to the reader how the great jurists of the early centuries were generally opposed to women venturing out of their homes in order to join the prayer congregation. However, I have now decided to limit this to a much smaller selection of passages. This I have done due to a couple of reasons: the fact that the very comprehensive and masterly research and analysis presented by the author of this fatwa-treatise, Shaykh Mufti Muḥammad Kifāyatullāh Dehlawī, is sufficient to dispel all doubts and confusion from the mind of the Muslim man and woman. As for those in whose hearts there is stubbornness, no amount of evidence and argumentation can convince them. We consign them to their Creator—the controller of their hearts, to whom is our return.

Secondly, Shaykh Zameelur Rahman's comprehensive treatise on the topic—*Women Attending the Masjid: A Clarification*—which has been included in this book, contains a significant amount of additional invaluable information—especially, opinions of some leading jurists and ḥadīth masters of legal schools besides the ḥanafi school.

A Selection of Ḥadīth and Fiqh Texts

JĀMIʿ AL-TIRMIDHĪ WITH *AL-KAWKAB AL-DURRIYY* OF IMĀM RASHĪD AḤMAD GANGOHI

Abu ʿĪsā [al-Tirmidhī] said:

> The ḥadīth of Umm ʿAṭiyyah is a sound and authentic ḥadīth. Some of the people of knowledge have adopted this ḥadīth and permitted women to go out to the two ʿĪd prayers. Some [other] people of knowledge have disliked this. It has been transmitted from Ibn al-Mubārak that he said: "I dislike today that women should go out to the two ʿĪd prayers. If a woman insists on going out [to the two ʿĪd prayers], then her husband ought to allow her to go out in her old and unattractive clothes, and she should not beautify herself. If she insists on going out in this manner (i.e. wearing attractive clothing and make-up), it is permissible for the husband to prohibit her from going out."
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> It has been transmitted from ʿĀ'ishah that she said: "Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited."
>
> It has been transmitted from Sufyān al-Thawrī that he disliked that women go out today to the ʿĪd prayer.

Al-Kawkab al-Durriyy (commentary of *Jāmiʿ al-Tirmidhī*):

> Tirmidhī's statement: *Some [other] people of knowledge have disliked this*: The Mother of the Believers, ʿĀ'ishah (may Allāh be pleased with her), has presented the case of the women of the Banu Isrā'īl, who were prohibited [from attending masjids for congregational prayers], after they had innovated what they had innovated, as evidence for women's attending masjids for congregational prayers being disliked today. She said: "Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [. . .]." This inference of ʿĀ'ishah (may Allāh be pleased with her) is testimony to the depth of her knowledge and abundance of her wisdom. The meaning of her statement is that it is obligatory upon us to practice the sacred laws of previous nations [of previous prophets], as long as those laws are not transmitted to us in our religion by way of condemnation and rejection. When this is the case, permission for the women of the Banu Isrā'īl [to attend masjids for congregational prayers] will be considered permission for our women to do the same, and prohibition for the women of the Banu Isrā'īl [to attend masjids for congregational prayers] will also be prohibition for our women, when they innovated what they innovated.
>
> Tirmidhī's statement: *It has been transmitted from Ibn al-Mubārak that he said: "I dislike today that women should go out"*: This is because women's going out during the time of the Prophet (may the eternal peace and blessings of Allāh be upon him) was not during a time of corruption and decadence. This is not the case with the women of our time.
>
> Tirmidhī's statement (from Ibn al-Mubārak): *If a woman insists on going out [. . .]*: This is a tactic to prevent them from going out—even though outwardly it looks like permission [for them to go out]. For, a woman will not normally go out to the ʿĪd prayers and to meet other women, except after adorning and beautifying herself.

AL-MUṢANNAF LI IBN ABĪ SHAYBAH (4:234)

5844. Ibrāhīm said: "It is disliked for women to go out to the two ʿĪd prayers."

5845. Nāfiʿ said: "Ibn ʿUmar would not take his women out to the two ʿĪd prayers."

5846. Hishām ibn ʿUrwah stated regarding his father: "He would not allow any woman from his family to go out to attend the [ʿĪd] Al-Fiṭr or the [ʿĪd] Al-Aḍḥā prayers."

5847. ʿAbd al-Raḥmān ibn al-Qāsim said: "Al-Qāsim was very strict with the adolescent or young women.1 He would not let them go out to attend the [ʿĪd] Al-Fiṭr or the [ʿĪd] Al-Aḍḥā prayers."

5848. Ibrāhīm said: "It is disliked for the young woman to go out to the two ʿĪd prayers."

AL-AṢL (1:323) OF IMĀM MUḤAMMAD IBN AL-ḤASAN AL-SHAYBĀNĪ

I (Abu Sulaymān al-Jawzjānī) asked: "What do you say regarding women—must they go out for the two ʿĪd prayers?" He (Imām Muḥammad ibn al-Ḥasan) replied: "It used to be permitted for them. As for today, I dislike it for them (i.e. women going out for the two ʿĪd prayers)." I asked: "Do you [also] dislike that they go out for the jumuʿah prayer and congregational five times obligatory prayers?" He replied: "Yes." I [then] asked: "Do you permit for them anything in this regard?" He replied: "I permit the old woman attendance at the congregational prayers of 'ishā', fajr and the two ʿĪds. As for any woman apart from the old woman, I do not permit [attendance at any prayer]."

1 The Arabic word used here is *al-ʿawātiq*. See Shaykh Muḥammad ʿAwwāmah's comment on this word in the footnote to this report in his edition of the *Al-Muṣannaf li Ibn Abī Shaybah* (4:235).

AL-AṢL (1:365) OF IMĀM MUḤAMMAD IBN AL-ḤASAN AL-SHAYBĀNĪ

I (Abu Sulaymān al-Jawzjānī) asked: "What do you say regarding women—do you permit them attendance [at the istisqā' prayer]?" He (Imām Muḥammad ibn al-Ḥasan) replied: "I do not permit for women attendance at any prayer, except for the old woman. For, I permit her to attend the congregational prayers of the two ʿĪds, ʿishā' and fajr." [Imām] Abu Yūsuf said: "As for me, I permit them to go out to every prayer, and the kusūf prayer, as well as the istisqā' prayer, when they are old women. There is no problem in her going out for all these prayers. However, I dislike this for the young woman." This is the opinion of Muḥammad [ibn al-Ḥasan al-Shaybānī].

ʿUMDAT AL-RIʿĀYAH—COMMENTARY OF *SHARḤ AL-WIQĀYAH* (1:137) OF IMĀM ṢADR AL-SHARĪʿAH ʿUBAYD ALLĀH IBN MASʿŪD AL-MAḤBŪBĪ

Sharḥ al-Wiqāyah

[Likewise, it is disliked for] *a young woman to attend every congregational prayer, and for the old woman to attend the ẓuhr and ʿaṣr prayers—and not the other prayers.* That is, there is no problem in old women going out to attend the maghrib, ʿishā' and fajr prayers.

ʿUmdat al-Riʿāyah

[Likewise, it is disliked for] *a young woman to attend*: That is, it is disliked for a young woman to attend the prayer congregation of men at all times, and it is disliked for the old woman to attend the congregation of ẓuhr and ʿaṣr prayers, in order to avoid tribulation (*fitnah*) and the possibility of corruption and decadence (*fasād*)—especially, at a time like ours. [Imām] Aḥmad has reported from Umm Salamah (may Allāh be pleased with her) that the Messenger of Allāh (may

the eternal peace and blessings of Allāh be upon him) said: "The best place of prayer for women are the innermost parts of their homes."[1]

[Imām] Al-Bayhaqi has reported that Ibn Masʿūd (may Allāh be pleased with him) said: "By the One beside whom there is no god, no woman has ever prayed any prayer better for her than the prayer she prays in her home, except her prayer in the two Holy Masjids. An exception [to this rule] is the old woman in her pair of worn out shoes."[2] (See ḥadīth 8 for the meaning of this expression)

It is reported in Ṣaḥīḥ Muslim with a chain of transmission to the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) that he said: "When your women seek permission to go to the masjid during the night, grant them permission."[3] This ḥadīth is understood to be referring to old women, as [Imām] Al-ʿAyni has stated.[4]

FATĀWĀ-E-ʿUTHMĀNI (1:471) OF ʿALLĀMAH MUFTI MUHAMMAD TAQI USMANI

Question: During the month of Ramaḍān, women here are wishing to attend the masjid in order to listen to the recitation of the ḥāfiẓ in the tarāwīḥ prayers. Ḥijāb will be arranged [and observed]. There will be full segregation between the rows of the men and the women. Will this be lawful?

Answer: It is prohibitively disliked (*makrūḥ taḥrīman*) for women to attend the masjid in order to participate in the congregational prayer. No prayer is exempted from this ruling. This ruling is even more binding nowadays, as the objective of attending the masjid is to

1 *Ṣaḥīḥ Ibn Ḥibbān* (3:92); *Musnad Aḥmad* (6:297); *Al-Mustadrak* (1:327) and other books of ḥadīth.

2 *Al-Muʿjam al-Kabīr* (9:293); *Al-Muṣannaf li Ibn Abī Shaybah* (2:156); *Sunan al-Bayhaqi al-Kabīr* (3:131) and other books of ḥadīth.

3 *Ṣaḥīḥ al-Bukhāri* (1:295); *Ṣaḥīḥ Muslim* (1:327) and other books of ḥadīth.

4 *Al-Bināyah* (2:345).

listen to the beautiful voice of the male reciter. This makes women's attendance even more of a cause of tribulation and corruption (*fitnah*).

وكره لهن حضور الجماعة إلا للعجوز في الفجر والمغرب والعشاء، والفتوى اليوم على الكراهة في كل الصلاة لظهور الفساد – كذا في الكافي. (الفتاوى الهندية ج١ ص٩٣)

It is disliked for women to attend congregational prayers, except for the old woman, who may attend the fajr, maghrib and 'ishā' prayers. The fatwā today is that attendance is disliked in every prayer, due to the prevalence of corruption and decadence. Thus, it is stated in *Al-Kāfi.—Al-Fatāwā al-Hindiyyah* (1:93))

Allāh is the most knowledgeable.

The worthless MUHAMMAD TAQI USMANI
(May he be forgiven)
11/02/1391

The answer is correct
The servant MUHAMMAD SHAFĪ'
(May Allāh forgive him)
Fatwā no. 22:242 A

Women Attending the Masjid: A Clarification

BY SHAYKH ZAMEELUR RAHMAN

بسم الله الرحمن الرحيم

ACCORDING TO THE CLEAR statements of the jurists (*fuqahā'*) of the ḥanafī school of Sharīʿah and their understanding of the evidences of the Sharīʿah, women should neither attend congregational prayers at the masjid, nor attend the two ʿĪd prayers. Many people have raised objections against this position. Some of these objections stem from common misunderstandings. We, therefore, felt it necessary to write a comprehensive clarification, addressing the following issues:

- Approach to the Dīn and its commandments
- Rulings may change, based on circumstances
- Opinions of the jurists and their explanations of the evidences
- It is more rewarding for women to pray at home
- A woman's emergence from the home should be restricted

In the course of the clarification, we hope to address most of the substantive objections raised against the ḥanafī stance—in particular, the claim that it opposes the clear guidance of the Sunnah on women being allowed to attend congregational prayers at the masjid and being encouraged to attend ʿĪd prayers.

APPROACH TO THE DĪN

The purpose of the Dīn is that the servant attains closeness to Allāh Most High by submitting to His commandments. It is necessary to subject our personal biases and convictions to the commandments of Allāh Most High. One must not attempt to change Allāh's commandments based on his or her individual opinions. We live in an age when general moral and cultural biases are, unfortunately, dictated by western liberal, modernist and secular ideas, rather than by Islāmic norms and principles. It is, therefore, important to adopt the correct approach when determining the commandments of Allāh, and to be suspicious of new-fangled opinions that are inspired by modernist philosophy.

The commandments of the Dīn have been preserved in the form of the four schools (or madhhabs) of fiqh. After the first few centuries of Islām, the strength of scholarship and piety diminished. It was, therefore, from the wisdom of Allāh Most High that Muslims would take recourse to the four schools of fiqh, when determining Allāh's commandments. Ḥāfiẓ Ibn Rajab al-Ḥanbalī (736–795 AH) explains that after the early generations, "Piety and scrupulousness diminished and those who spoke about the Dīn without knowledge increased, as did those who set themselves up for this position while unworthy of it."[1] He then states: "If the condition in these later times was to continue as it was in the earlier period, where each individual issued legal verdicts according to what he believed to be the truth, which manifested to him, the structure of the Dīn would undoubtedly crumble; *ḥalāl* would become *ḥarām* and *ḥarām* would become *ḥalāl*, and whoever wants would say what he wants. Consequently, our Dīn would become like that of the people of the two scriptures before us."[2] He explains that it was from the wisdom of Allāh Most High that He selected imāms on whose knowledge, piety and scru-

1 ثم قل الدين والورع، وكثر من يتكلم فى الدين بغير علم، ومن ينصب نفسه لذلك وليس هو له بأهل. (مجموعة رسائل ابن رجب، ج١ ص٦٢٣)

2 فلو استمر الحال في هذه الأزمان المتأخرة على ما كان عليه في الصدر الأول بحيث أن كل أحد يفتي بما يدعي

pulousness there is agreement, and "on whom all people depend for their legal verdicts, and refer to for knowledge of rulings."[1]

As Ibn Rajab has warned, if people in these times are left to formulate their own opinions despite their lack of knowledge and piety, the Dīn will be subjected to corruption and chaos. We see manifestations of this today, where Muslims, including some who are supposedly learned, say outlandish things in the name of the Dīn, while having little or no support from the traditional madhhabs of fiqh.

Each of us must learn the commandments of Allāh via our chosen madhhab of fiqh. Once a madhhab is chosen, an individual should not leave the madhhab on individual issues, as to do so would be tantamount to following desires. Imām al-Ghazālī (450–505 AH) explains: "It is not permissible for the follower of a mujtahid to choose the most pleasing of different opinions to him, and the most agreeable to his temperament. He must follow his imām, whom he believes to have the most authentic and correct madhhab than others, and follow him in all that comes and goes. Hence, it is not permissible for a mālikī to switch to the madhhab of al-Shāfiʿī, unless he has an overwhelming feeling that its opinions are more correct. In that case, it is necessary to follow him in all juristic rulings. Otherwise, there is no motive for him to oppose [his madhhab] besides base desire, just as it is not permissible for a mujtahid to oppose the conclusions that his ijtihād (juristic judgement) reached."[2] Al-Ghazālī and others have quoted a consensus of the scholars on this principle.

As al-Ghazālī explains in this passage, if a person leaves their

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أنه يظهر له أنه الحق لاختل به نظام الدين لا محالة، ولصار الحلال حراما والحرام حلالا، ولقال كل من شاء ما يشاء ولصار ديننا بسبب ذلك مثل دين أهل الكتابين من قبلنا. (المصدر السابق)

1 فاقتضت حكمة اللّٰه سبحانه أن ضبط الدين وحفظه بأن نصب للناس أئمة مجتمعة على علمهم ودرايتهم وبلوغهم الغاية المقصودة في مرتبة العلم بالأحكام والفتوى من أهل الرأي والحديث، فصار الناس كلهم يعولون في الفتاوى عليهم، ويرجعون في معرفة الأحكام إليهم. (المصدر السابق، ج١ ص٦٢٤)

2 لا يجوز لمقلد العالم اختيار أطيب المذاهب عنده وأوفقها لطبعه، وعليه تقليد إمامه الذي اعتقد صحة مذهبه وصوابه على غيره، ويتبعه في كل ما ورد وصدر، فلا يجوز عدول المالكي لمذهب الشافعي إلا أن يغلب على ظنه أنه أصوب رأيا فحينئذ يجب تقليده في جميع المسائل، فإن لم يكن ذلك فلا داعي له في المخالفة إلا الهوى، كما لا يجوز لمجتهد مخالفة ما أنتجه اجتهاده، وكذا المقلد لمن قلده. (المعيار المعرب، ج١١ ص١٦٤)

chosen madhhab, it will amount to "following desires." If one who is not capable of ijtihād (juristic judgement) leaves his or her madhhab based on their understanding of the evidences of the Qur'ān and Sunnah, this will still amount to "following desires", because they are not qualified to adequately examine the evidences of the Qur'ān and Sunnah. Lay Muslims must therefore follow 'ulamā' and muftis, who will explain to them their madhhab's position on legal issues. They must not fall prey to the increasing trend of searching for favourable opinions and interpretations. Such a trend is not following the Dīn and Sunnah. Rather, it is following one's desires in the guise of following the Dīn and Sunnah.

Each madhhab is based on very thorough assessment of the evidences of the Sharī'ah. The scholars of the madhhabs have provided detailed explanations, in light of the evidences, on how they reached their conclusions. If lay Muslims feel there is an inconsistency between their madhhab and some evidences, they may consult with 'ulamā' of their madhhab to gain an appreciation for how the jurists understood these evidences.

On the issue of women attending the masjids, it should be noted that the ḥanafī jurists, for over a thousand years, have clearly explained their stance in light of the evidences. Their position is based on a holistic and comprehensive study of the Sunnah, rather than on a superficial and subjective reading. We shall summarise their explanation below, and present supporting evidences from jurists belonging to the other madhhabs, and, thereby, demonstrate that the ḥanafī madhhab is not isolated on this issue.

RULINGS MAY CHANGE, BASED ON A CHANGE OF CIRCUMSTANCES

The most common objection raised against the position that women should neither attend congregational prayers at the masjid nor attend the 'Īd prayer is that:

- The Prophet (may the eternal peace and blessings of Allāh be upon him) himself allowed women to attend congregational prayers at the masjid, saying, according to a ḥadīth in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, "Do not prevent Allāh's bondswomen from the masjids."[1] Thus, female companions would attend and perform prayer in congregation behind the Prophet (may the eternal peace and blessings of Allāh be upon him) in the masjid.
- The Prophet (may the eternal peace and blessings of Allāh be upon him) encouraged women to come out for the ʿĪd prayer as found in a well-known ḥadīth of Umm ʿAṭiyyah (may Allāh be pleased with her), also recorded in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*.[2]

The question, therefore, is: how can we oppose the clear guidance of the Sunnah, and hold that women in our time may not come out to congregational prayers and should not be encouraged to attend ʿĪd prayer?

It is necessary to understand that rulings are often based on circumstances and conditions. Thus, if the circumstances change, the subsequent ruling will change. Sometimes, the Qur'ān and Sunnah highlight that a ruling is conditional or is subject to change based on different circumstances. For example, the Qur'ān says it is forbidden for a person to consume *ḥarām* meat, but in the same passage explains that a person who is compelled to eat such meat, may do so. This is a well-known example of where the ruling changes based on circumstance.[3]

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1 لا تمنعوا إماء اللّٰه مساجد اللّٰه. (صحيح البخاري، دار ابن كثير، ص٢١٨، صحيح مسلم، مكتبة البشرى، ج٢ ص٣٠٢)

2 عن أم عطية قالت: كنا نؤمر أن نخرج يوم العيد حتى نخرج البكر من خدرها، حتى نخرج الحيض فيكن خلف الناس فيكبرن بتكبيرهم ويدعون بدعائهم. (صحيح البخاري، دار ابن كثير، ص٢٣٦، صحيح مسلم، مكتبة البشرى، ج٣ ص٢١٧)

3 حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللّٰهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلاَّ مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ . . . فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِّإِثْمٍ فَإِنَّ اللّٰهَ غَفُورٌ رَّحِيمٌ. (القرآن)

THE PERMISSION FOR WOMEN TO ATTEND THE MASJID IS CONDITIONAL

The permission mentioned in ḥadīth for women's attendance at the masjid is based on certain conditions. When the conditions are met, the permission mentioned in the ḥadīth shall be granted. However, when the conditions are not met, the permission shall not be granted.

If the conditions are not being met, and a ruling is subsequently given that women may not attend, this is not contradicting the Sunnah. It would be similar to a person who is compelled to eat *ḥarām* meat and is given the ruling that he may do so. It would, of course, be incorrect to say that this ruling contradicts the Qur'ān. Likewise, it would be incorrect to say that the ruling that women should not attend the masjid, when the conditions are not being met, contradicts the Sunnah.[1] In fact, quite apart from being a contradiction, these rulings would be in complete conformity with the Qur'ān and Sunnah.

The conditional nature of the ruling on women's attendance at the masjid is found both explicitly and implicitly in the ḥadīths themselves. Three such conditions are described below, together with the expert analysis of one of the foremost and most authoritative early jurists and ḥadīth masters of the ḥanafī madhhab—Imām Abu Jaʿfar al-Ṭaḥāwī (239–321 AH).

APPLYING NO FRAGRANCE

According to an authentic ḥadīth, after saying, "Do not prevent the bondswomen of Allāh from the masjids", the Prophet (may the eternal peace and blessings of Allāh be upon him) added: "They must not come out except without fragrance (*tafilāt*)."[2] The word "*tafilāt*"

1 It should be noted that this is not the same as abrogation (*naskh*). Abrogation means that an earlier ruling has been cancelled by a later ruling. This is not the case here. Rather, the original ruling is still in force, but that very ruling is conditional on circumstances and conditions. Hence, when the conditions change, the original ruling will not apply.

2 عن ابن عيينة عن محمد بن عمرو بن علقمة عن أبي سلمة بن عبد الرحمن عن أبي هريرة قال: قال رسول

literally means to be foul-smelling, and practically means to not apply fragrance.[1] The Prophet (may the eternal peace and blessings of Allāh be upon him), therefore, only gave permission for women to attend the masjid when they do not apply fragrance.

In a ḥadīth of *Ṣaḥīḥ Muslim*, the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "When one of you [women] attends ʿishā' [at the masjid], she must not apply fragrance that evening."[2] In another ḥadīth of *Ṣaḥīḥ Muslim*, he said more emphatically: "Any woman who has applied fragrance must not attend the ʿishā' prayer with us."[3] Qāḍī ʿIyāḍ (476–544 AH) comments on these ḥadīths: "The Prophet (may the eternal peace and blessings of Allāh be upon him) forbade women from coming out to the masjids, when they are perfumed and fragranced, on account of men being tempted by their nice scent. [. . .] Included in the meaning of fragrance is the appearance of adornment, attractive clothing and the sound of bangles and jewellery."[4] In other words, women would not be allowed to attend the masjid, if they apply or wear anything that may cause temptation.

CONCEALED BY DARKNESS

According to some ḥadīths, the permission to attend the masjid applied only to the prayers of the night—that is, fajr and ʿishā', when the women could not be seen or recognised (as there was no street lighting at the time). This is found in some ḥadīths of *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*.[5] ʿĀ'ishah (may Allāh be pleased with her)

اللّٰه صلى اللّٰه عليه وسلم: لا تمنعوا إماء اللّٰه مساجد اللّٰه، ولا يخرجن إلا وهن تفلات. (مصنف عبد الرزاق، المكتب الإسلامي، ج٣ ص١٥١)

1 التفل سوء الرائحة يقال امرأة تفلة إذا لم تطيب ونساء تفلات. (معالم السنن، ج١ ص١٦٢)

2 عن رسول اللّٰه صلى اللّٰه عليه وسلم أنه قال: إذا شهدت إحداكن العشاء فلا تطيب تلك الليلة. (صحيح مسلم، مكتبة البشرى، ج٢ ص٣٠٣)

3 أيما امرأة أصابت بخورا فلا تشهد معنا العشاء الآخرة. (صحيح مسلم، ج٢ ص٣٠٤)

4 ونهى النبي صلى اللّٰه عليه وسلم للنساء الخروج إلى المساجد إذا تطيبن أو تبخرن، لأجل فتنة الرجال بطيب ريحهن. . .وفي معنى الطيب ظهور الزينة وحسن الثياب وصوت الخلاخيل والحلى. (إكمال المعلم، ج٢ ص٣٥٥)

5 عن حنظلة عن سالم بن عبد اللّٰه عن ابن عمر رضي اللّٰه عنهما عن النبي صلى اللّٰه عليه وسلم قال: إذا استأذنكم

mentioned in a narration of *Ṣaḥīḥ al-Bukhārī* that when the women would come to the masjid for fajr, they would do so "wrapped up in their cloaks, and then they would return to their homes, not recognised by anyone."[1]

Thus, explaining the Prophet's (may the eternal peace and blessings of Allāh be upon him) permission for women to attend the masjid, Imām al-Ṭaḥāwī states: "He did not intend by this to give them permission for all times in which prayers are attended, but he only meant the night specifically when they would be concealed, rather than the day when they will be visible."[2] Imām al-Ṭaḥāwī also refers to the ḥadīth mentioned earlier, "When one of you attends 'ishā', she must not apply fragrance", singling out 'ishā', to show that the permission is limited only to the night prayers.[3]

The practice of 'Ātikah bint Zayd (may Allāh be pleased with her), a senior female companion, who would attend the masjid for prayer, is commonly brought up. She was the wife of *Sayyiduna* 'Umar ibn al-Khaṭṭāb (may Allāh be pleased with him) (d. 23 AH). However, the ḥadīth of *Ṣaḥīḥ al-Bukhārī* clarifies that she only attended the fajr and 'ishā' prayers—and not other prayers.[4] This may also indicate that the practice at that time was for women to only attend the prayers at night, when they would be concealed by darkness.

Based on the two aforementioned conditions found explicitly in

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نساءكم بالليل إلى المسجد فأذنوا لهن، تابعه شعبة عن الأعمش عن مجاهد عن ابن عمر (صحيح البخاري، دار ابن كثير، ص٢١١) قال العيني: إن المطلق في ذلك محمول على المقيد. (عمدة القاري، دار الكتب العلمية، ج٦ ص٢٢٥) لا تمنعوا النساء من الخروج إلى المساجد بالليل. (صحيح مسلم، مكتبة البشرى، ج٢ ص٣٠٢)

1 عن الزهري قال: أخبرني عروة أن عائشة قالت: لقد كان رسول الله صلى الله عليه وسلم يصلى الفجر فيشهد معه نساء من المؤمنات متلفعات في مروطهن، ثم يرجعن إلى بيوتهن ما يعرفهن أحد. (صحيح البخاري، دار ابن كثير، ص١٠٤)

2 لم يقصد بذلك الإذن لهن كل الأوقات التي يخرج فيها إلى الصلوات، وإنما قصد به الليل خاصة الذي يحفين فيه دون النهار الذي يرين فيه. (أحكام القرآن، مركز البحوث الاسلامية، ج١ ص٤٦٥)

3 المصدر السابق، ج١ ص٤٦٧

4 عن ابن عمر، قال: كانت امرأة لعمر تشهد صلاة الصبح والعشاء في الجماعة في المسجد، فقيل لها: لم تخرجين وقد تعلمين أن عمر يكره ذلك ويغار؟ قالت: وما يمنعه أن ينهاني؟ قال: يمنعه قول رسول الله صلى الله عليه وسلم: لا تمعنوا إماء الله مساجد الله. (صحيح البخاري، دار ابن كثير، ص٢١٨)

ḥadīths, Imām al-Ṭaḥāwī argues that the permission to attend the masjid was only "for the night, while having applied no fragrance."[1]

NO INTERMINGLING

Imām al-Ṭaḥāwī further refers to another ḥadīth (recorded in *Ṣaḥīḥ al-Bukhārī*) in which the practice of the female companions is described by Umm Salamah (may Allāh be pleased with her) that they would perform the prayer and return immediately, while the men would remain seated. Umm Salamah (may Allāh be pleased with her) explains that the reason for this was so that the women could return before the men caught up with them.[2] Imām al-Ṭaḥāwī thus says that "the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) only allowed women to attend the prayers when they do not mix with men, when returning."[3]

THE STATEMENT OF ʿĀ'ISHAH (MAY ALLĀH BE PLEASED WITH HER)

Thus, the conditional nature of the ruling is found explicitly and implicitly in the ḥadīths. If these conditions, as well as others that can be inferred from the ḥadīths, are being violated, the ruling on women's attendance at the masjid would change. This is how numerous scholars have understood the famous statement of ʿĀ'ishah (may Allāh be pleased with her) (d. 58 AH), recorded in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, in which she said: "Had the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious

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1 قد يجوز أن يكون حظهن من المسجد وخروجهن بالليل تفلات على ما في الحديث الآخر.

2 عن أم سلمة قالت: كان رسول اللّٰه صلى اللّٰه عليه وسلم إذا سلم قام النساء حين يقضي تسليمه، وهو يمكث في مقامه يسيرا قبل أن يقوم، قالت: نرى واللّٰه أعلم أن ذلك كان لكي ينصرف النساء قبل أن يدركهن الرجال. (صحيح البخاري، دار ابن كثير، ص٢١٢)

3 رسول اللّٰه صلى اللّٰه عليه وسلم إنما أطلق للنساء شهود الصلوات إذا كن لا يخالطن الرجال فى انصرافهن منها. (أحكام القرآن، ج١ ص٤٦٨)

condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited."[1] In other words, the conditions had changed in her time—therefore, the ruling of the Prophet (may the eternal peace and blessings of Allāh be upon him) himself would be different.

In another version of her statement, recorded in the *Musnad Aḥmad*, she first narrates the ḥadīth, "Do not prevent Allāh's bondswomen from the masjids, but they should emerge without fragrance." Then she said: "Had he seen their condition today, he would have prevented them."[2] This gives a clear indication that according to her, the conditions taught by the Prophet (may the eternal peace and blessings of Allāh be upon him) himself were being violated. She is not contradicting the Sunnah, but affirming that the ruling of the Sunnah would be different in her context. While in the Prophet's (may the eternal peace and blessings of Allāh be upon him) time the conditions were being met—therefore, the permission mentioned in the ḥadīth applied, in her time, the conditions were being violated—therefore, it did not apply.

Imām al-Ṭaḥāwī makes the following comment on her statement: "ʿĀ'ishah would only have said this about the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) regarding women, after knowing that he only allowed them in the masjids due to the absence of a condition that occurred within them later. If their condition was such during the time of ʿĀ'ishah, they would be even further from what they were in the time of Allāh's Messenger (may the eternal peace and blessings of Allāh be upon him) after her."[3]

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1 عن عمرة أنها سمعت عائشة زوج النبي صلى الله عليه وسلم تقول: لو أن رسول الله صلى الله عليه وسلم رأى ما أحدث النساء لمنعهن المسجد كما منعت نساء بني إسرائيل. (صحيح مسلم، مكتبة البشرى، ج٢ ص٣٠٤، صحيح البخاري، دار ابن كثير، ص٢١١)

2 عن عائشة عن النبي صلى الله عليه وسلم قال: لا تمنعوا إماء الله مساجد الله، وليخرجن تفلات، قالت عائشة: ولو رأى حالهن اليوم منعهن. (مسند أحمد، مؤسسة الرسالة، ج٤٠ ص٤٧٠)

3 لم يكن عائشة لتطلق هذا على رسول الله صلى الله عليه وسلم فى النساء إلا بعد علمها أنه إنما إذن لهن فى المساجد لعدم حال قد صارت فيهن بعده، وإذا كن كذلك في زمن عائشة فهن بعدها مما كن عليه في زمن رسول الله صلى الله عليه وسلم أبعد. (أحكام القرآن، ج١ ص٤٦٥)

Similarly, he said in another place: "'Ā'ishah's statement on this—and she is trustworthy in what she says with her knowledge, understanding and alertness—proves that it was allowed for women to attend the masjids in the time of Allāh's Messenger (may the eternal peace and blessings of Allāh be upon him) because of a condition that they had, and after him, they left [this condition] for its reverse. Thus, what was permitted for them, in terms of attending in the manner that they would in the lifetime of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him), was negated. If their condition was such during the time of 'Ā'ishah, they would be even further from that after her death."[1]

In short, the piety and understanding of the women in the time of the Prophet (may the eternal peace and blessings of Allāh be upon him) and early Companions compelled them to observe the limits, restrictions and conditions for attending the masjid; and only because of that, it was permitted for them. Already by the time of 'Ā'ishah (may Allāh be pleased with her) a change was observed, based on which she could confidently assert that the Prophet (may the eternal peace and blessings of Allāh be upon him) would have prevented the women of her time from attending the masjid. Imām al-Ṭaḥāwī points out that if this was the case in the time of 'Ā'ishah, the deterioration in the conditions of people that occurs naturally over time means that this situation would only have been more pronounced in his time—the third to fourth century after hijrah.

ḤADĪTH OF UMM 'AṬIYYAH (MAY ALLĀH BE PLEASED WITH HER)

In his lengthy discussion, Imām al-Ṭaḥāwī also touches on the ḥadīth of Umm 'Aṭiyyah (may Allāh be pleased with her) encouraging

1 كان قول عائشة في هذا، وهي المأمونة على ما قالت مع علمها وفقهها ويقظتها، ما قد دل على النساء إنما كان لهن إتيان المساجد في حياة رسول اللّٰه صلى اللّٰه عليه وسلم واسعا لحال كن عليها، وقد خرجن عنها بعده إلى ضدها، فانتفى بذلك ما كان واسعا لهن من إتيانهن إياه على ما كن يأتينه في حياة رسول اللّٰه صلى اللّٰه عليه وسلم، وإذا كن كذلك في حياة عائشة كن بعد موتها من ذلك أبعد. (شرح مشكل الآثار، ج١٢ ص١٤٢)

women to attend the ʿĪd prayer. In Imām al-Ṭaḥāwī's opinion, this was something that the Prophet (may the eternal peace and blessings of Allāh be upon him) encouraged "before we were commanded to observe ḥijāb and it was lawful for men to look at women, as women were allowed to look at men. The matter of women was then restricted to lowering the gazes from them, and they were commanded to remain in their homes."[1] In other words, this encouragement was abrogated and no longer applies. While jurists of other madhhabs may disagree that this encouragement has been abrogated, they would accept that it is conditional on right practice.

ʿABD ALLĀH IBN MASʿŪD (MAY ALLĀH BE PLEASED WITH HIM) PREVENTED WOMEN FROM THE MASJID

Apart from ʿĀ'ishah (may Allāh be pleased with her), whose statement a number of prominent scholars have interpreted as a fatwā prohibiting women from attending the masjid, the great Companion, ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him) (d. 32 AH), also prevented women from attending the masjid on Friday, as established in an authentic narration from him.[2]

It is important to understand the status of ʿAbd Allāh ibn Masʿūd (may Allāh be pleased with him). He was one of the greatest and most

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1 هذا عندنا والله أعلم قبل أن نؤمر بالحجاب وكان مباحا للرجال النظر إلى النساء لنظرهن إلى الرجال ثم نسخ ذلك وردت أمور النساء إلى غض الأبصار عنهن وأمرن بلزوم البيوت. (أحكام القرآن، ج١ ص٤٧٠)

2 قال ابن أبي شيبة: ((حدثنا وكيع (بن الجراح): حدثنا سفيان (الثوري الإمام) عن أبي فروة الهمداني (عروة بن الحارث، ثقة) عن أبي عمرو الشيباني (كوفي، ثقة) قال: رأيت ابن مسعود يحصب النساء يخرجهن من المسجد يوم الجمعة.)) (مصنف ابن أبي شيبة، ج٥ ص٢٠٢)

وقال عبد الرزاق الصنعاني: ((أخبرنا معمر، عن أبي إسحاق (السبيعي، ثقة، جليل)، عن أبي عمرو الشيباني، أنه رأى ابن مسعود يخرج النساء من المسجد، ويقول: «اخرجن إلى بيوتكن خير لكن»)) (مصنف عبد الرزاق، ج٣ ص١٧٢)

حدثنا (علي بن الجعد): أخبرنا شعبة عن أبي إسحاق عن أبي عمرو الشيباني قال: رأيت عبد الله بن مسعود يخرجن النساء من المسجد يوم الجمعة (مسند ابن الجعد، ص٣٧٢)

قال مسدد: ((حدثنا يحيى (بن سعيد القطان) عن شعبة: ثنا أبو إسحاق، ثنا أبو عمرو الشيباني، قال: رأيت ابن مسعود يخرج النساء يوم الجمعة من المسجد.)) (المطالب العالية، ج٤ ص٥٦٣)

وقال ابن حجر العسقلاني فيه: ((إسناده صحيح)) (المطالب العالية، دار العاصمة، ج٤ ص٦٥٣)

learned of the senior Companions. It is reported that the Prophet (may the eternal peace and blessings of Allāh be upon him) said of him, "I am happy for my Ummah with what Ibn Umm ʿAbd (i.e. ʿAbd Allāh ibn Masʿūd) is happy for them."[1] Ibn Masʿūd was also described as the Companion who resembled the Prophet (may the eternal peace and blessings of Allāh be upon him) most in his behaviour, conduct and mannerisms.[2] Thus, just as ʿĀ'ishah's statement was based on her intimate knowledge of the Sunnah, Ibn Masʿūd's practice would also have been based on his intimate knowledge of the Sunnah—and he knew that in the situation that he found himself in, the Prophet (may the eternal peace and blessings of Allāh be upon him) would not have allowed women to attend the masjid.

STATEMENTS OF OTHER JURISTS

As noted, Imām al-Ṭaḥāwī was one of the great early mujtahid imāms of the ḥanafī madhhab. We have briefly summarised his discussion on the evidences. As any unbiased and objective person will observe, this is a coherent and sensible explanation by one of the most authoritative and erudite imāms of ḥadīth and fiqh. Moreover, it is consistent with what other imāms of the ḥanafī madhhab, both before and after him, have explained. Thus, for followers of the ḥanafī madhhab, this should be sufficient.

IMĀM MUḤAMMAD IBN AL-ḤASAN (D. 189 AH)

Imām Muḥammad ibn al-Ḥasan al-Shaybāni (one of the prominent students of Imām Abū Ḥanīfah) quotes in *al-Aṣl* the view of Imām Abū Ḥanīfah (80–150 AH): "I do not permit women for any kind of

1 عن القاسم بن عبد الرحمن قال: قال رسول الله صلى الله عليه وسلم: رضيت لأمتي ما رضي لها ابن أم عبد. (مصنف ابن أبي شيبة، ج١٧ ص١٩٣؛ وانظر تخريجه هناك)

2 عن عبد الرحمن بن يزيد، قال: سألنا حذيفة عن رجل قريب السمت والهدي من النبي صلى الله عليه وسلم حتى نأخذ عنه، فقال: ما أعرف أحدا أقرب سمتا وهديا ودلا بالنبي صلى الله عليه وسلم من ابن أم عبد. (صحيح البخاري، دار ابن كثير، ص٩٢٣)

emergence except an old woman, as I allow her to come out to the two ʿĪds and for Fajr and ʿishāʾ prayers."[1] Commenting on the stance of the early jurists of the madhhab, Imām al-Kāsānī (d. 587 AH) says: "They all agree that it is not allowed for non-elderly women to come out for the jumuʿah, the two ʿĪds and any other prayer."[2] Many of the later ḥanafī jurists from the seventh century of hijrah onwards regarded it to be also impermissible for elderly women to attend all prayers because the conditions had deteriorated even further.[3]

We shall briefly produce some supporting statements from the jurists of other madhhabs to demonstrate that this is not an isolated view of the ḥanafī madhhab.

IMĀM MĀLIK IBN ANAS (D. 179 AH)

It is reported from Imām Mālik that he said, when asked about women attending the masjid, "This differs for an elderly woman and a non-elderly woman. The elderly woman may come out to the masjid, but should not attend too frequently. The non-elderly woman may come out to the masjid now and then."[4] In commenting on this passage, Ibn Rushd explains that according to Imām Mālik, a non-elderly woman may not come to ʿĪd prayer, despite the ḥadīth of Umm ʿAṭiyyah because of "what they began, in terms of coming out in a different condition to which their emergence was permitted, which is that they have no fragrance and do not display any adorn-

1 لا أرخص للنساء في شيء من الخروج إلا العجوزة الكبيرة فإني أرخص لها في الخروج في العيدين وفي صلاة الفجر والعشاء. (الأصل، الأوقاف، ج١ ص٣٦٥)

2 أجمعوا على أنه لا يرخص للشواب منهن الخروج في الجمعة والعيدين وشيء من الصلاة. (بدائع الصنائع، ج٢ ص٢٣٧)

3 وفي الكافي: الفتوى اليوم على الكراهة في كل الصلوات لظهور الفساد (درر الحكام شرح غرر الحكام، ج١ ص٨٦)، وعلق عليه الشرنبلالي: قال غيره: وأفتى المشايخ المتأخرون بمنع العجوز من حضور الجماعات كلها. (المصدر السابق)

4 سئل عن شهود النساء الصلوات إلى المساجد، فقال: ذلك يختلف في المرأة المتجالة والشابة، فالمتجالة تخرج إلى المسجد ولا تكثر التردد، والمرأة الشابة تخرج إلى المسجد المرة بعد المرة. (البيان والتحصيل، ج١ ص٤٢٠)

ment," and he quotes the statement of ʿĀ'ishah (may Allāh be pleased with her) to corroborate this.[1]

IMĀM AL-JUWAYNĪ (D. 478 AH)

In his commentary on *Mukhtaṣar al-Muzanī*, the great shāfiʿī jurist, Imām Al-Juwaynī (419–478 AH), explained that in the time of the Prophet (may the eternal peace and blessings of Allāh be upon him) non-elderly women attended the ʿĪd prayer, but "today we dislike that they should emerge," as "it was reported that ʿĀ'ishah forbade women from emerging."[2]

ʿALLĀMAH AL-MĀWARDĪ (D. 450 AH)

Another great shāfiʿī imām, al-Māwardī (364–450 AH), states in reference to the emergence of non-elderly women for the ʿĪd prayer, that it is "disliked, based on the fear that they would be tempted by men and men would be tempted by them." He then suggests (just like Imām al-Ṭaḥāwī) that the narration of Umm ʿAṭiyyah encouraging the emergence of young women for ʿĪd was abrogated. He also quotes the narration of ʿĀ'ishah (may Allāh be pleased with her) to corroborate this.[3]

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1 وأما النساء الشواب فلا يخرجن إلى الاستسقاء والعيدين ولا إلى المساجد إلا في الفرط، ولا إلى الجنائز إلا في جنائز أهلهن وقرابتهن. هذا الذي يأتي على هذه الرواية وعلى ما في « المدونة »، فيجب على الإمام في مذهب مالك – رَحِمَهُ اللَّهُ – أن يمنع النساء الشواب من الخروج إلى العيدين والاستسقاء، ولا يمنعهن من الخروج إلى المساجد؛ لجواز خروجهن إليها في الفرط. . . ووجه قوله إنهن يمنعن من الخروج إلى العيدين والاستسقاء، مع ما جاء عن النبي – صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ – من خروج العواتق وذوات الخدور إلى العيدين– ما أحدثنه من الخروج على غير الصفة التي أذن لهن بالخروج عليها، وهي أن يكن تفلات غير متطيبات ولا يبدين لشيء من زينتهن. وقد قالت عائشة – رَضِيَ اللَّهُ عَنْهَا –: لو أدرك رسول الله – صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ – ما أحدثه النساء لمنعهن المساجد كما مُنِعَهُ نساء بني إسرائيل. (البيان والتحصيل، ج١ ص٤٢٠–٢)

2 وكان يخرج على الصفة التي ذكرناها نسوة فيهن بقية أيضا، قال الشيخ: واليوم فنحن نكره لهن الخروج، وقد روي عن عائشة أنها نهت النساء عن الخروج فقيل لها: كن يخرجن في زمن رسول الله صلى الله عليه وسلم، فقالت: لو عاش إلى زماننا لمنعهن من الخروج. (نهاية المطلب، ج٢ ص٦٢٠–٦٢١)

3 فأما حضور النساء الشباب فقد استحبه بعض أصحابنا البغداديين تعلقا بحديث أم عطية أن رسول الله – صلى الله عليه وسلم – أمر بإخراج المخدرات إلى المصلى فقيل إنهن يحضن فقال رسول الله – صلى الله عليه وسلم – ليشهدن

IMĀM AL-GHAZĀLĪ (D. 505 AH)

Similarly, Imām al-Ghazālī (450–505 AH), who was also a shāfiʿī authority, states: "The Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) would allow women to attend the masjids, but the truth today is that it is not allowed except for elderly women, and indeed this was deemed sound in the time of the Companions." He then quotes the statement of ʿĀ'ishah (may Allāh be pleased with her) to corroborate this.[1]

ʿALLĀMAH TAQĪ AL-DĪN AL-ḤIṢNĪ (D. 829 AH)

Taqī al-The Dīn al-Ḥiṣnī (752–829 AH), a famous relatively late shāfiʿī scholar, explains that the original ruling of the madhhab is that it is "disliked for an attractive non-elderly woman and those of stature to attend [the ʿĪd prayer], but it is desirable for an old woman to attend in lowly clothing without fragrance." He then says: "In our time, there should be absolute certainty of it being impermissible for non-elderly women and those of stature to emerge, due to widespread corruption and decadence. Although, the ḥadīth of Umm ʿAṭiyyah supports emergence, but the [permitting factor] that existed in the early generations no longer exists. [. . .] That was a period of security. They would not display their adornment and would keep their gazes low, as did the men. As for our time, they only emerge to display their adornment and do not lower their gazes, and nor do the men. The harms of their coming out have become a reality. It is authenticated from ʿĀ'ishah that she said, "Had the Messenger of Allāh (may the

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الدعاء والخير وهذا غلط، بل خروجهن مكروه، لما يخاف من افتتانهن بالرجال، وافتتان الرجال بهن، وحديث أم عطية فيجوز أن يكون متقدما لقوله – صلى الله عليه وسلم – في حجة الوداع لنسائه هي هذه ثم على طهر، قالت عائشة لو رأى رسول الله – صلى الله عليه وسلم – ما أحدث النساء بعده لمنعهن أشد المنع ومن اخترنا حضوره من النساء فيكره لهن الطيب والزينة، ولبس الشهوة من الثياب، لقوله – صلى الله عليه وسلم – وليخرجن تفلات. (الحاوي، ج٢ ص٤٩٥)

1 وكان قد أذن رسول الله صلى الله عليه وسلم للنساء في حضور المساجد، والصواب الآن المنع إلا للعجائز بل استصوب ذلك في زمان الصحابة، حتى قالت عائشة رضي الله عنها: لو علم النبي صلى الله عليه وسلم ما أحدث النساء لمنعهن من الخروج. (إحياء علوم الدين، دار المنهاج، ج٣ ص١٨٩)

eternal peace and blessings of Allāh be upon him) lived to see what women have innovated [in terms of their conduct and religious condition], he would have surely prohibited them [from attending masjids for congregational prayers] just as the women of the Banu Isrā'īl were prohibited." Thus, this is the fatwā of the Mother of the Believers in the best of generations—so, what of this corrupt time of ours?! Many others, besides ʿĀ'ishah, have said it is not allowed for women to come to the masjids. [. . .] This was at that time. As for our time, no Muslim will hesitate in disallowing them except a fool. [. . .] Thus, the truth is to have certainty of it being impermissible; and the fatwā is on this."[2]

Taqī al-Dīn al-Ḥiṣnī's position was picked up by shāfiʿī jurists after him, and they expressed support for it. ʿAlī ibn ʿAṭiyyah (d. 936 AH), a shāfiʿī jurist from the tenth century of the hijrah, quotes the statement of al-Ḥiṣnī approvingly, prefacing it with his statement: "The fatwā in this time of ours, according to the people of knowledge and piety, is that they are not allowed in the masjids. In fact, ʿĀ'ishah issued a verdict on this in her age—the best of ages. So, what is your opinion on this corrupt tenth century? Do not think I am alone in this view. A large group of the earlier and later scholars have said this. From those who said it explicitly is al-Taqī al-Ḥiṣnī."[3]

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2 نعم يكره للشابة الجميلة وذوات الهيئة الحضور ويستحب للعجوز الحضور في ثياب بذلتها بلا طيب؛ قلت ينبغي القطع في زماننا بتحريم خروج الشابات وذوات الهيئات لكثرة الفساد وحديث أم عطية وإن دل على الخروج إلا أن المعنى الذي كان في خير القرون قد زال والمعنى أنه كان في المسلمين قلة فأذن رسول الله صلى الله عليه وسلم لهن في الخروج ليحصل بهن الكثرة ولهذا أذن للحيض مع أن الصلاة مفقودة في حقهن وتعليله بشهودهن الخير ودعوة المسلمين لا ينافي ما قلنا وأيضا فكان الزمان زمان أمن فكن لا يبدين زينتهن ويغضضن أبصارهن وكذا الرجال يغضون من أبصارهم وأما زماننا فخروجهن لأجل إبداء زينتهن ولا يغضضن أبصارهن ولا يغض الرجال من أبصارهم ومفاسد خروجهن محققة وقد صح عن عائشة رضي الله عنها أنها قالت: (لو رأى رسول الله صلى الله عليه وسلم ما أحدث النساء لمنعهن المساجد كما منعت نساء بني إسرائيل) فهذه فتوى أم المؤمنين في خير القرون فكيف بزماننا هذا الفاسد وقد قال بمنع النساء من الخروج إلى المساجد خلق غير عائشة رضي الله عنها منهم عروة بن الزبير رضي الله عنه والقاسم ويحيى الأنصاري ومالك وأبو حنيفة مرة ومرة أجازه وكذا منعه أبو يوسف وهذا في ذلك الزمان وأما في زماننا هذا فلا يتوقف أحد من المسلمين في منعهن إلا غبي قليل البضاعة في معرفة أسرار الشريعة قد تمسك بظاهر دليل حمل على ظاهره دون فهم معناه مع إهماله فهم عائشة رضي الله عنها ومن نحا نحوها ومع إهمال الآيات الدالة على تحريم إظهار الزينة وعلى وجوب غض البصر فالصواب الجزم بالتحريم والفتوى به والله أعلم. (كفاية الأخيار، دار البشائر، ص١٨٥)

3 والفتوى في زماننا عند أهل العلم والتقوى بمنعهن من المساجد، بل وأفتت به عائشة رضي الله عنها في قرنها

ʿALLĀMAH IBN ḤAJAR AL-HAYTAMĪ (D. 973 AH)

Similarly, the famous late verifier of the shāfiʿī madhhab, Ibn Ḥajar al-Haytamī (909–973 AH), quotes one of his predecessors, who approved of al-Ḥiṣnī's fatwā and expanded on it, saying that "this has become agreed-upon due to the absence of the condition of the permissibility of emergence in his (may the eternal peace and blessings of Allāh be upon him) time, which is piety and chastity." Ibn Ḥajar then comments: "How brilliant is this statement and how worthy of being correct!"[1]

ʿALLĀMAH KHALĪL IBN ISḤĀQ AL-JUNDĪ (D. 776 AH)

One of the major late verifiers of the mālikī madhhab, Khalīl ibn Isḥāq al-Jundī (d. 776 AH), after mentioning the mālikī position that a non-elderly woman may emerge occasionally for the masjid, states: "In our time, [complete] prohibition is stipulated (i.e. necessary)—and Allāh knows best." He then quotes the statement of ʿĀ'ishah (may Allāh be pleased with her) to corroborate this.[2]

خير القرون، فما بالك بالقرن العاشر الفاسد؟! ولا تظن أني تفردت بهذا القول، بل قال جم غفير من العلماء المتقدمين والمتأخرين، وممن صرح به التقي الحصني في شرح الغاية. (أحكام النظر، دار القلم، ص١٤٤)

1 ثم قال فإن قلت أتقول بمنع خروج النساء إلى المساجد والمواعيد وزيارة القبور غير قبر النبي – صلى الله عليه وسلم – قلت: كيف لا أقول به وقد صار متفقا عليه لعدم شرط جواز الخروج في زمنه – صلى الله عليه وسلم – وهو التقى والعفاف، وقد ذكر ذلك من المتقدمين الشيخان الإمامان الزاهدان الورعان الشيخ تقي الدين الحصني وشيخنا علاء الدين محمد بن محمد بن محمد البخاري. . . قال حجة الإسلام في الإحياء وقد كان أذن رسول الله – صلى الله عليه وسلم – للنساء في حضور المساجد والصواب الآن المنع إلا العجائز بل استصوب ذلك في زمن الصحابة – رضي الله عنهم – حتى قالت عائشة – رضي الله عنها – وذكر ما مر عنها وقال فيه أيضا في كتاب الأمر بالمعروف ويجب منع النساء من حضور المساجد للصلاة ومجالس الذكر إذا خيفت الفتنة بهن فهذه أقاويل العلماء في اختلاف الحكم فيها بتغير الزمان. وأهل الأقاويل المذكورة هم جمهور العلماء من المجتهدين والأئمة المتقين والفقهاء الصالحين الذين هم من الممهرين فيجب الأخذ بأقاويلهم؛ لأنهم علم الأمة واختيارهم لنا خير من اختيارنا لأنفسنا ومن خالفهم فهو متبع لهواه فإن قيل فما الجواب عن إطلاق أهل المذهب غير من مر فالجواب أن محله حيث لم يريدوا كراهة التحريم ما إذا لم يترتب على خروجهن خشية فتنة وأما إذا ترتب ذلك فهو حرام بلا شك كما مر نقله عمن ذكر . . . انتهى كلام بعض المتأخرين ملخصا وما أحسنه وأحقه بالصواب. (الفتاوى الفقهية الكبرى، ج١ ص٢٠٢–٣)

2 ويتعين في زماننا هذا المنع، والله أعلم، ويدل عليه قول عائشة رضي الله عنها المشهور: لو أن رسول الله صلى الله عليه وسلم رأى ما أحدث النساء الحديث. (التوضيح، دار ابن حزم، ج١ ص٤٥٧)

ʿALLĀMAH ʿABD ALLĀH IBN AḤMAD IBN ḤANBAL (D. 290 AH)

ʿAbd Allāh, the son of Imām Aḥmad ibn Ḥanbal (164–241 AH), asked his father about women coming out to the ʿĪd prayer. He replied: "As for this time of ours, then no. Indeed, they are a temptation (*fitnah*)."[1] According to Ibn al-Jawzī (510–597 AH), the famous ḥanbalī scholar, if there is fear of temptation from women, they are to be prohibited from attending the masjid. He then quoted the statement of ʿĀ'ishah (may Allāh be pleased with her) as proof.[2] (Note: temptation or *fitnah* is defined as anything that may lead to "unlawful intercourse and its precursors like lustful glances, being in privacy [with the other person], touching and the like."[3])

ʿALLĀMAH IBN QUDĀMAH (D. 620 AH)

Ibn Qudāmah (541–620 AH), the famous ḥanbalī jurist, mentioned that the statement of ʿĀ'ishah (may Allāh be pleased with her) applies to those who broke the conditions of attending the masjid, amongst which he mentions: not applying fragrance, not wearing clothing that will make them stand out, not revealing any adornment, and not intermingling with men.[4]

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1 أخبرنا عبد الله بن أحمد بن حنبل، قال: سألت أبي عن خروج النساء في العيد؟ فقال: أما في زماننا هذا فلا، فإنهن فتنة. (أحكام النساء، ص٦١-٦٢)

2 قال ابن الجوزي: فإن خيف فتنة نهيت عن الخروج واحتج بخبر عائشة المشهور. (الفروع، مؤسسة الرسالة، ج٢ ص٤٥٨)

3 المراد بالفتنة: الزنا ومقدماته من النظر والخلوة واللمس وغير ذلك. (الفتاوى الفقهية الكبرى، ج١ ص٢٠٣)

4 وقول عائشة مختص بمن أحدثت دون غيرها، ولا شك بأن تلك يكره لها الخروج وإنما يستحب لهن الخروج غير متطيبات ولا يلبسن ثوب شهرة ولا زينة، ولا يخرجن في ثياب البذلة؛ لقول رسول الله – صلى الله عليه وسلم –: «وليخرجن تفلات». ولا يخالطن الرجال، بل يكن ناحية منهم. (المغني، دار عالم الكتب، ج٣ ص٢٦٥) – قوله (ولا يخرجن في ثياب البذلة): هكذا في المطبوع ، ولعل الصواب – والله سبحانه أعلم – (و يخرجن في ثياب البذلة) بدون (لا) ، كما جاء معزوا إلى المغني في مرعاة المفاتيح ج٥ ص٣٣ والموسوعة الفقهية الكويتية ج٣١ ص١١٦

QĀḌĪ ABŪ YAʿLĀ (D. 458 AH)

Qāḍī Abū Yaʿlā (380–458 AH), the well-known early ḥanbalī jurist, writes: "We assert that when [the woman] is non-elderly, it is reprehensible for her to perform iʿtikāf in the masjid and pray in it. [Imām Aḥmad] has stated this explicitly in the transmission of Ḥanbal. [Imām Aḥmad] was asked about women emerging for ʿĪd and he said: 'They are a cause of temptation for people—unless, it is a woman far in age.'" He further said that the statement of ʿĀ'ishah (may Allāh be pleased with her) refers to such non-elderly women.[1] More emphatically, Qāḍī Abū Yaʿlā says elsewhere that women are "prohibited" from attending the masjid.[2]

Thus, while describing the official position of the madhhab, later ḥanbalī authorities have clarified that it is reprehensible for a non-elderly woman or any attractive woman to attend the congregational prayer.[3]

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1 نحن نقول: إنها إذا كانت شابة، فإنه يكره لها أن تعتكف في المسجد، وتصلي فيه. نص عليه في الصلاة في رواية حنبل، وقد سئل في خروج النساء إلى العيد، فقال: هؤلاء يفتن الناس إلا أن تكون امرأة طعنت في السن. . . واحتج بما روي عن عائشة رضي الله عنها: أنها قالت: لو علم النبي صلى الله عليه وسلم ما أحدث النساء بعده لمنعهن المساجد؛ كما منعت نساء بني إسرائيل. والجواب: أن هذا محمول على الشباب بدليل ما ذكرنا. (التعليقة الكبيرة، ج١ ص١٢-١٣)

2 إنهن منهيات عن حضور سائر الصلوات (التعليق الكبير، ط. دار النوادر، ج١ ص٢٦٧)

3 أما صلاتهن مع الرجال جماعة فالمشهور فى المذهب: أنه يكره للشابة، قاله فى الفروع، وقال: والمراد—والله أعلم—للمستحسنة [أي: ولو عجوزا]، واختاره القاضي وابن تميم. . .قال فى الهداية والخلاصة والرعاية الصغرى والحاويين وغيرهم: وللعجوز والبرزة حضور جمع الرجال، قال فى المحرر: ولا يكره أن تحضر العجائز جمع الرجال. (الإنصاف، ج٢ ص٢١٢)

يكره حضورها لحسناء ويباح لغيرها (الإقناع، ج١ ص٢٤٦)

ويكره لحسناء حضورها أي الجماعة، مع رجال، خشية الإفتتان بها، ويباح حضور جماعة لغيرها، أي: غير الحسناء، كعجوز لا حسن لها. (شرح منتهى الإرادات، مؤسسة الرسالة، دار الملك عبد العزيز، ج١ ص٥٣٧)

IT IS MORE REWARDING FOR A WOMAN TO PERFORM PRAYER AT HOME

With regard to the five daily prayers, it is more rewarding for women to pray them at home. This is by agreement of the four madhhabs[1], and is proven from several authentic ḥadīths:

1. It is reported in *Sunan Abī Dāwūd* that after saying, "Do not prevent Allāh's bondswomen from the masjids", the Prophet (may the eternal peace and blessings of Allāh be upon him) clarified: "and their homes are better for them."[2] Al-Nawawī and others deemed it *ṣaḥīḥ*.[3]

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1 قال الشافعي: إن الحجة لتقوم بأقل مما وصفت لك، وعرفت بنفسك وعرف الناس معك، وقد كان مع رسول اللّٰه صلى اللّٰه عليه وسلم نساء من أهل بيته وبناته وأزواجه ومولاته وخدمه وخدم أهل بيته، فما علمت منهن امرأة خرجت إلى شهود جمعة، والجمعة واجبة على الرجال بأكثر من وجوب الجماعة في الصلوات غيرها، ولا إلى جماعة غيرها في ليل أو نهار، ولا إلى مسجد قباء، فقد كان النبي صلى اللّٰه عليه وسلم يأتيه راكبا وماشيا، ولا إلى غيره من المساجد، وما أشك أنهن كن على الخير بمكانهن من رسول اللّٰه صلى اللّٰه عليه وسلم أحرص، وبه أعلم من غيرهن، وأن النبي صلى اللّٰه عليه وسلم لم يكن ليدع أن يأمرهن بما يجب عليهن، وعليه فيهن، وما لهن فيه من الخير وإن لم يجب عليهن، كما أمرهن بالصدقات والسنن، وأمر أزواجه بالحجاب، وما علمت أحدا من سلف المسلمين أمر أحدا من نسائه بإتيان جمعة، ولا جماعة من ليل ولا نهار، ولو كان لهن في ذلك فضل أمروهن به، وأذنوا لهن إليه، بل قد روي واللّٰه أعلم عن النبي صلى اللّٰه عليه وسلم أنه قال: «صلاة المرأة في بيتها خير من صلاتها في حجرتها، وصلاتها في حجرتها خير من صلاتها في المسجد، أو المساجد». (الأم، دار الوفاء، ج١٠ ص١٣٣-١٣٤)

صلاة المرأة المكتوبة في بيتها أفضل من مسجد الجماعة. (أحكام النساء لابن العطار الشافعي، ص ٥٤)

هذا رسول اللّٰه صلى اللّٰه عليه وسلم قد فضل صلاة المرأة في بيتها على صلاتها في المساجد. (أحكام القرآن للطحاوي، ج١ ص٤٦٩)

عقد ابن الجوزي الحنبلي بابا في فضل صلاة المرأة في بيتها. (أحكام النساء، مكتبة ابن تيمية، ١٠٧)

وصلاتها في بيتها خير لها وأفضل لما روى ابن عمر. . . (المغني، دار عالم الكتب، ج٣ ص٣٩)

جماعة النساء في البيوت أفضل من حضورهن المساجد للحديث المذكور، قال أصحابنا: وصلاتها فيما كان في بيتها أستر أفضل لها لحديث عبد اللّٰه بن مسعود. (شرح المهذب، مكتبة الإرشاد، ج٤ ص٩٣)

قال سند بن عنان المصري المالكي في الطراز: خرج أبو داود عن ابن عمر أن النبي صلى اللّٰه عليه وسلم قال: لا تمنعوا نساءكم المساجد وبيوتهن خير لهن، وهذا يقتضي أن خروجهن إليها جائز وتركه أحب على ما قاله مالك في المختصر. (مواهب الجليل، دار الكتب العلمية، ج٢ ص٤٥١)

2 حدثنا عثمان بن أبي شيبة، حدثنا يزيد بن هارون، أخبرنا العوام بن حوشب، حدثني حبيب بن أبي ثابت عن ابن عمر، قال: قال رسول اللّٰه – صلى اللّٰه عليه وسلم –: «لا تمنعوا نساءكم المساجد، وبيوتهن خير لهن». (سنن أبي داود، دار الرسالة العالمية، ج١ ص٤٢٤) علق عليه الأرناؤوط: إسناده صحيح فقد سمع حبيب بن أبي ثابت من ابن عمر.

3 في رواية لأبي داود بإسناد صحيح على شرط البخاري إلخ. (خلاصة الأحكام، مؤسسة الرسالة، ص٦٧٨)

2. ʿAbd Allāh ibn Masūd (may Allāh be pleased with him) reported, according to a ḥadīth in *Sunan Abī Dāwūd*, that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The prayer of a woman in her room is more virtuous than her prayer in her courtyard, and her prayer in her inner chamber is more virtuous than her prayer in her room."[1] Al-Nawawī and others deemed it *ṣaḥīḥ*.[2]
3. Aḥmad, Ibn Abī Shaybah and others transmit from Umm Salamah (may Allāh be pleased with her) that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The best masjid for a woman is in the depths of her home."[3] Ḥāfiẓ al-Būṣīrī (762–840 AH) described it as *ṣaḥīḥ*.[4]
4. Al-Ṭabarānī reports from Umm Salamah (may Allāh be pleased with her) that the Prophet (may the eternal peace and blessings of Allāh be upon him) said: "The prayer of a woman in her bedroom is better than her prayer in her outer room, and her prayer in her outer room is better than her prayer in her courtyard, and her prayer in her courtyard is better than her prayer outside."[5] Al-Mundhirī said the chain of transmission is good (*jayyid*).[6]
5. It is reported in the *Musnad Aḥmad* from Umm Ḥumayd, the wife of Abū Ḥumayd al-Sāʿidī (may Allāh be pleased with them both), that the Prophet (may the eternal peace and blessings of Allāh be upon him) said to her: "I have come to know that you

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1 حدثنا ابن المثنى أن عمرو بن عاصم حدثهم: حدثنا همام عن قتادة عن مورق عن أبى الأحوص عن عبد الله عن النبي صلى الله عليه وسلم: صلاة المرأة في بيتها أفضل من صلاتها في حجرتها، وصلاتها في مخدعها أفضل من صلاتها في بيتها. (سنن أبي داود، ج١ ص٤٢٦)

2 خلاصة الأحكام، ص٦٧٨

3 خير بيوت النساء قعر بيوتهن. (مسند أحمد، ج٤٤ ص١٦٥)

4 إتحاف الخيرة، دار الوطن، ج٢ ص٦٤

5 حدثنا مسعدة بن سعد، ثنا إبراهيم بن المنذر، نا محمد بن فليح، حدثني محمد بن زيد بن المهاجر بن قنفذ، عن أبيه، عن أم سلمة، زوج النبي صلى الله عليه وسلم، قالت: قال رسول الله صلى الله عليه وسلم: «صلاة المرأة في بيتها خير من صلاتها في حجرتها، وصلاتها في حجرتها خير من صلاتها في دارها، وصلاتها في دارها خير من صلاتها خارج». (المعجم الاوسط، ج٩ ص٤٨)

6 عن أم سلمة رضي الله عنها قالت: قال رسول الله صلى الله عليه وسلم: صلاة المرأة في بيتها إلخ. . .رواه الطبراني في الأوسط بإسناد جيد. (الترغيب والترهيب، دار الكتب العلمية، ج١ ص١٤١)

> love praying with me. [Be aware that] Your prayer in your bedroom is better than your prayer in your outer room, and your prayer in your outer room is better than your prayer in your courtyard, and your prayer in your courtyard is better than your prayer in the masjid of your community, and your prayer in the masjid of your community is better than your prayer in my masjid."[1] Ibn Ḥajar said the chain is excellent (*ḥasan*).[2]

This ḥadīth of Umm Ḥumayd (may Allāh be pleased with her) shows that even the masjid of the Messenger of Allāh (may the eternal peace and blessings of Allāh be upon him) is not an exception to this rule.[3] Moreover, in a ḥadīth of *Ṣaḥīḥ al-Bukhārī*, the Prophet (may the eternal peace and blessings of Allāh be upon him) explained that the extra reward of congregation is for the "prayer of a man" (*ṣalāt al-rajul*). Ibn Rajab al-Ḥanbalī comments that this proves that a woman's prayer does not multiply in reward in congregation and it is better for her to pray at home.[4]

From the classical period, Ibn Ḥazm (384–456 AH) adopted an isolated view that it is more rewarding for women to pray in the masjid.[5] He regarded the ḥadīth of Umm Ḥumayd weak based on

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1 عبد الله بن سويد الأنصاري، عن عمته أم حميد امرأة أبي حميد الساعدي، أنها جاءت النبي صلى الله عليه وسلم فقالت: يا رسول الله، إني أحب الصلاة معك، قال: قد علمت أنك تحبين الصلاة معي، وصلاتك في بيتك خير لك من صلاتك في حجرتك، وصلاتك في حجرتك خير من صلاتك في دارك، وصلاتك في دارك خير لك من صلاتك في مسجد قومك، وصلاتك في مسجد قومك خير لك من صلاتك في مسجدي. (مسند أحمد، مؤسسة الرسالة، ج٤٥ ص٣٧)

2 وإسناد أحمد حسن. (فتح الباري، دار طيبة، ج٣ ص١١٤)

3 فيه دلالة على جواز خروج النساء مطلقا سواء كن شواب أو عجائز للصلاة في مسجد الحرام أو مسجد النبي صلى الله عليه وسلم. . .ولكن ينبغي تقييده بوقت الضرورة، كما إذا حضرت المسجد للطواف في الحج والعمرة فلا بأس لها بأن تصلي فيه وحدها أو جماعة، أو حضرت المسجد النبوي للتسليم والصلاة على النبي صلى الله عليه وسلم فلا بأس لصلاتها في المسجد تحية أو مكتوبة، وأما أن تأتي المسجد الحرام أو المسجد النبوي لأجل الصلاة فحسب فينافيه قوله صلى الله عليه وسلم: صلاتك في بيتك خير من صلاتك في حجرتك إلى أن قال: ومن صلاتك في مسجدي، والله تعالى أعلم. (إعلاء السنن، إدارة القرآن، ج٤ ص٢٦٢)

4 وفي حديث أبي هريرة الذي خرجه البخاري: صلاة الرجل في الجماعة تضعف، وهو يدل على أن صلاة المرأة لا تضعف في الجماعة، فإن صلاتها في بيتها خير لها وأفضل. (فتح الباري لابن رجب، مكتبة الغرباء، ج٦ ص١٩)

5 Some have suggested that Ibn Khuzaymah, the great ḥāfiẓ of ḥadīth, regarded all the abovementioned ḥadīths to be inauthentic. This is inaccurate. He considered the

one of its chains.[1] However, he did not address another of its chains, described as *ḥasan* by Ibn Ḥajar, nor did he address most of the ḥadīths mentioned above.[2] Furthermore, Ibn Ḥazm did not align himself with any of the four established madhhabs in Sharīʿah, and his scholarship in ḥadīth criticism is questionable. Ibn ʿAbd al-Hādī al-Ḥanbalī (705–744 AH) thus said: "[Ibn Ḥazm] had opinions in which he was isolated in both the fundamentals and the peripherals, and everything in which he was isolated is a mistake, and he makes many errors in authenticating and weakening ḥadīth and the status of transmitters."[3]

However, despite Ibn Ḥazm's unique opinion on this issue, he quotes the ḥadīth in which the Prophet (may the eternal peace and blessings of Allāh be upon him) made it a condition that women are "*tafilāt*" before they emerge. Ibn Ḥazm defined this word "*tafilāt*" as "having bad odour and dress." He, therefore, explained that if a woman applies fragrance or wears attractive clothing, she "should be disallowed" from coming to the masjid,[4] even saying it is "obligatory" (*farḍ*) to do so.[5]

ḥadīth of Umm Ḥumayd (may Allāh be pleased with her) to be authentic. See: *Ṣaḥīḥ Ibn Khuzaymah*, Dār al-Ta'ṣīl, 2:375.

1 وأما حديث عبد الحميد بن المنذر فهو مجهول لا يدري من هو. (المحلى، ج٣ ص١٣٦)

2 Ibn Ḥazm does cite the ḥadīth of Ibn Masʿūd (may Allāh be pleased with him) favourably, but quotes it incorrectly, leading him to believe it encourages women to go to the masjid! (see: *Al-Muḥallā*, 3:137)

3 أبو محمد بن حزم. . .له اختيارات انفرد بها في الأصول والفروع، وجميع ما انفرد به خطأ، وهو كثير الوهم في الكلام على تصحيح الحديث وتضعيفه، وعلى أحوال الرواة. (طبقات علماء الحديث، مؤسسة الرسالة، ج٣ ص٣٤٩)

4 ولا يحل لهن أن يخرجن متطيبات ولا في ثياب حسان، فإن فعلت فليمنعها. . .ولا يخرجن إلا وهن تفلات، قال علي: والتفلة السيئة الريح والبزة. (المحلى، ج٣ ص ١٢٩، ١٣٠)

5 فإن استأذن الحرائر، أو الإماء بعولتهن أو ساداتهن في حضور الصلاة في المسجد: ففرض عليهم الإذن لهن – ولا يخرجن إلا تفلات غير متطيبات ولا متزينات، فإن تطيبن، أو تزين لذلك: فلا صلاة لهن، ومنعهن حينئذ فرض. (المحلى، ج٤ ص١٨٨)

IF THE PRAYER IS BETTER AT HOME, WHY DID THE PROPHET (MAY THE ETERNAL PEACE AND BLESSINGS OF ALLĀH BE UPON HIM) ALLOW WOMEN TO ATTEND THE MASJID?

One may ask, why, if it is more rewarding for them to pray in their homes, did the Prophet (may the eternal peace and blessings of Allāh be upon him) not prohibit women from coming to the masjid? Imām al-Ḥalīmī (338–403 AH), one of the early authorities of ijtihād in the shāfiʿī school, wrote in answer to this very question: "Because they had a reason to attend [. . .]. Namely, being included in the supplication of the Prophet (may the eternal peace and blessings of Allāh be upon him) when he prayed and his salām, when he made salām to the congregation [. . .]. The blessing of his supplication and salām may amount to more than the virtue that they had in remaining at home. This factor would not be as pronounced with respect to those besides the Prophet (may the eternal peace and blessings of Allāh be upon him). Thus, it will be best to remain at home."[1]

In short, during the time of the Prophet (may the eternal peace

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1 فإن قيل: فهلا منعهن المساجد إذا كان الفضل لهن في الخلوة والانفراد، كما منع الرجال من التخلف عن الجماعة، إذا كان الفضل لهم في حضورها؟ قيل: لأنه كان لهن في الحضور عذر لم يكن مثله للرجال في التخلف. وهو الدخول في دعاء النبي صلى الله عليه وسلم إذا قنت، وفي سلامه إذا سلم على القوم فيحلل. فإن كان ذلك يحصل بهن إذا حضرن ويقربهن إذا تخلفن، وكي لا يطبن نفسا بالفوت فلم يضيق عليهن. وجاء أن يصل بحب ظنهن، وينتهي ببركة دعاه وسلامه إلى أكثر من الفضل الذي كان يكون لهن في لزوم البيوت. وهذا المعنى في جانب غيره، لا يقوى كقوته في جانب النبي صلى الله عليه وسلم كان الأولى بهن لزوم البيوت والله أعلم. (المنهاج، دار الفكر، ج٢ ص٣٣٥)

قال الإمام العلامة الشيخ محمد أنور شاه الكشميري:

ويستفاد من الأحاديث أن النِّسَاءَ كُنَّ يَحْضُرْنَ الجماعات في المكتوباتِ والعيدين مطلقًا. وكذا في هذا الكتاب: «لا تمنعوا إماءَ اللَّهِ عن المساجدِ». فهذا عَمَلٌ وذاك قَوْلٌ. ومع ذلك ذهبَ الفقهاءُ إلى التضييق. ومَنَعَهُنَّ المتأخرونَ مِن الخروج مطلقًا. ويؤيد ما عند أبي داود عن عائشةَ رضي الله عنها قالت: «لو أَدْرَكَ رسولُ اللَّهِ صلى الله عليه وسلّم ما أحدثَ النِّساءُ لَمَنَعَهنَّ المساجدَ كما مُنِعَتْ نساءُ بني إسرائيلَ». وهو عندي عن ابن مسعود رضي الله عنه مرفوعًا. وقِصَّةُ عمرَ رضي الله عنه مع زوجَتِه حيثُ كانت تَذْهَبُ إلى المسجد. وهي في البخاري ومَرَّت من قَبْلُ. ورَاجِع كَرَاهةَ خُرُوجِهنَّ عن ابن المُبَارك عن الترمذي.

واعلم أن ههنا سِرًّا (١) وهو أَني لم أَرَ في الشريعة تَرغيبًا لهن في حضورهن الجماعة، بل عند أبي داود ما يخالِفُه، فعن ابن مسعود رضي الله عنه مرفوعًا قال: «صلاةُ المرأةِ في بيتِها أَفْضَلُ مِن صلاتها في حُجْرَتِها، وصلاتُها في مَخْدَعِها أَفْضَلُ مِن صلاتِها في بيتها». اهـ. وهذا يدلُّ على أَنَّ مَرْضَى الشَّرْعِ أن لا يَخْرُجن إلى المساجِدِ. وفي حديث آخر: «إنْ كان

and blessings of Allāh be upon him) and the early Companions, great blessings were derived from praying behind such great personalities—therefore, the Prophet (may the eternal peace and blessings of Allāh be upon him) did not deprive women of this blessing. However, as their prayers at home were more rewarding, this was not established as a common practice. As mentioned earlier, ʿĀtikah (may Allāh be pleased with her) only attended fajr and ʿishā' prayers at the masjid. It may have been that the normal practice for non-elderly women was to not attend.[1] If the prayers were more virtuous in the masjid, why did ʿĀtikah not attend all the prayers? Also, why is it not recorded as a virtue of the great female Companions, like the Mothers of the Believers, and Fāṭimah, Umm Sulaym, Asmā' and others (may Allāh be pleased with them all), that they would regularly attend the masjid for congregational prayers? Imām al-Shāfiʿī made this point while arguing that a woman's prayer in the masjid is not obligatory or more rewarding than her prayer at home.

لا بُدَّ لَهُنَّ مِن الخروجِ فليخرجن تَفِلاتٍ بدونِ زينةٍ، فلا يَتَعَطَّرْنَ، فإن فَعَلْن فهنَّ كذا وكذا». يعني زوانٍ. فهذه إباحةٌ لا عن رضاءٍ منه، كإباحة الفَاتحة للمُقْتَدين. فلم يرغِبْهُنَّ في الخروج، ونهى الأزواجَ عن مَنْعِهنَّ عن الخروجِ أيضًا.

وهكذا فَعَل في باب الصدقة، فأمر المتصدِّقين بإرضائهم. قالوا: «وإن ظلمونا قال: وإن ظلموكم». ثُم هَدَّد العاملين أيضًا. ونحوه سَلك في طاعةِ السلطان فأوجبها ما لم يَكن كُفْرًا بَواحًا، ثم أوعد السلاطين الجائرين أيضًا. وهكذا صَنيعه في النكاح فقال: «لا نكاح إلا بوليّ». ثم أثبت لها حَقًّا فقال: «الأيم أحقُّ بِنَفْسها من وَلِيِّها». فهذه كلُّها أبوابٌ من قَبيل واحدٍ. وسنقرره في النكاح إن شاء الله تعالى.

(١) قال العلامة الشيخ بدر عالم الميرتهي في (حاشية البدر الساري إلى فيض الباري):

وهذا هو السِّرُّ في حديث أبي هريرة رضي الله عنه مرفوعًا عند الترمذي: «خيرُ صفوفِ الرجال أَولُها، وشرُّها آخِرُها وخيرُ صفوف النساء آخِرُها، وشَرُّها أَوَّلُها» اهـ. فإن المرءَ يتعجبُ منه في أول نظرةٍ، لكون الصلاة خير موضوع، فلا يكون في صفوفها شَرّ. ولكن إنما جاء الشَّرّ فيها من جهةِ قُرْب النساء من الرجال. فكُلُّ صف كان أقربَ منهن. أو كان أقرب منه كان شرًا، لا بمعنى أن فيه شرًا الآن، بل بمعنى أنه على شفا جُرُف هارٍ. فالشرُّ في حواليه ليس بينه وبين حاجِب، فهذا نحوُ تَلميح للنساء أنْ لا يَحْضُرْنَ الجماعاتِ من عرض الكلام، لا بصريح القول، فإن الحضور إلى الجماعاتِ خير لا ينبغي لصاحب النبوةِ أن ينهى عنه في زمانه، ولكنه يُفْهم من أطراف الكلام أن رضاءه في عدم الحضور وهو الشاكلةُ في سماعه غناءَ الجاريتين، فإنَّه لم يكن يستمع لغنائهما وكان متغشِّيًا بالثوب، ومع ذلك لم يَنْه عنه أيضًا، وسنقرره في موضعه إن شاء الله تعالى. وبالجملة هذا الحديثُ أيضًا يُبنى على ترغيبهن بعدم حضورِهن الجماعاتِ، هكذا فهمت من كلام الشيخ رحمه الله تعالى في درس الترمذي، والله تعالى أعلم بالصواب. (فيض الباري على صحيح البخاري، ج٢ص٤١٢)

1 قال الإمام سند بن عنان المالكي المصري في الطراز: ولعل هذا هو المعهود من عمل الصحابة فلا يعرف أن أبكارهن ومن ضاهاهن يخرجن إلى المسجد ولو خرج جميع النساء لملأن المسجد وعادلن الرجال في ذلك. (مواهب الجليل، ج٢ ص٤٥١)

WOMEN'S EMERGENCE FROM THE HOME IN GENERAL SHOULD BE RESTRICTED

Some people ask, why it is only the masjids women are told to not attend, while they are free to go to other places? This is a misconception. It is not true that women are told to only avoid attending the masjid and may freely leave the house otherwise. Rather, women should avoid leaving the house unnecessarily at all times. Generally, only when it would cause undue difficulty on her to not come out of her house, should she emerge. Otherwise, she should not. Of course, when she emerges, she should be as discreet as possible, observing full ḥijāb and not attracting attention.[1] The Dīn-conscious Muslims should seek guidance from righteous ʿulamā' on specific cases and circumstances.

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1 ينبغي للمرأة أن تحذر من الخروج مهما أمكنها، إن سلمت في نفسها لم يسلم الناس منها، فإذا اضطرت إلى الخروج خرجت بإذن زوجها في هيئة رثة، وجعلت طريقها في المواضع الخالية دون الشوارع والأسواق. (أحكام النساء، ص١٠٤)

قال الإمام محمد في كتاب الكسب: وعلى الناس اتخاذ الأوعية لنقل الماء إلى النساء. علق عليه السرخسي: لأن المرأة تحتاج إلى الماء للوضوء والشرب. . .ولا يمكنها أن تخرج لتستقي الماء من الأنهار والآبار والحياض فإنها أمرت بالقرار في بيتها، قال الله تعالى: وقرن في بيوتكن، فعلى الرجال أن يأتيها بذلك. (الكسب، ص ١٦٨)

إنهن عورة وقد نهين عن الخروج، قال تعالى: وقرن في بيوتكن. (الإختيار، دار الرسالة العالمية، ج٤ ص١٨١)

Conclusion

IN CONCLUSION:

- The permission mentioned in ḥadīth for women to attend the masjid is not unconditional. Conditions are found explicitly and implicitly in the ḥadīths themselves.
- These conditions were being violated since the time of the Noble Companions. From that time onwards, the classical jurists expressed the need to restrict women's access to the masjid.
- All four madhhabs agree, based on clear and authentic ḥadīths, that a woman's prayer at home is better and more rewarding. The Prophet (may the eternal peace and blessings of Allāh be upon him) did not stop them from attending the masjid, so that they could occasionally attain the blessings of praying behind him and receive his salām at the conclusion of prayer.

There is nothing alarming or strange in the position that women should not attend the masjid for congregational prayers or ʿĪd prayers. This is in full conformity with the views of the jurists of the ḥanafī madhhab and their understanding of the evidences of the Sharīʿah. At times, jurists of other madhhabs have expressed sentiments similar to that of the ḥanafī jurists.

Those advocating a diametrically opposite view, unfortunately, do so by adopting a very selective reading of the Sunnah. They cite the permission mentioned in ḥadīth for women to attend the masjid, but fail to mention the conditions with which, and circumstances

in which, this permission was granted. The jurists who discouraged or prohibited women from attending the masjid, did so because they understood that these conditions were not being observed and the circumstances upon which the permission was conditional have changed. Their position is one based on a holistic and complete understanding of the Sunnah.

سبحانك اللّٰهم وبحمدك، أشهد أن لا إله إلا أنت، أستغفرك وأتوب إليك. اه

Further Reading

A LIST OF REFERENCES from major works of ḥadīth, fiqh, fatāwā and ʿilm al-akhlāq/taṣawwuf is given below for the more advanced and enquiring student of the sciences of Islam to explore. These are mostly references that I stumbled across while reading for various other purposes, and which, per my habit, I kept a note of. The fiqh and fatāwā references given are primarily of the ḥanafī school of Sharīʿah. However, the same exists in major works of the other three legal schools—namely, the mālikī, shāfiʿī and ḥanbalī schools or madhhabs. Several works of non-ḥanafī masters have been cited in Shaykh Zameelur Rahman's treatise. These may be consulted for an insight into the topic from the perspectives of those respective schools of Sharīʿah.

ABU ASIM

بعض المراجع في عدم جواز خروج النساء إلى المساجد

للمكتوبات وصلاة العيدين في هذا الزمان

التعليق الصبيح على مشكاة المصابيح ٢/ ٥٢ ط. دار إحياء التراث العربي ١٤٢٥

أحكام القرآن للإمام الطحاوي ١/ ٤٦٤ إلى ١/ ٤٧٠ ط. مركز البحوث الإسلامية بإستانبول تركيا ١٤١٦

الأصل للإمام محمد بن الحسن الشيباني ١/ ٣٢٣ و٣٦٥ ط. دار ابن حزم ١٤٣٣

الإختيار لتعليل المختار ١/ ٢٠٤ ط. الرسالة العالمية ١٤٣٠

الإختيار لتعليل المختار ١/ ٤٢٧ ط. الرسالة العالمية ١٤٣٠

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المحيط البرهاني ٢/ ٤٨٥ (خروجهن إلى العيدين) ط. إدارة القرآن والعلوم الإسلامية ١٤٢٤

فتاوى قاضي خان ١/ ١٨٣ ط. دار النوادر المصورة عن ط. بولاق ١٤٣٤

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فتح القدير (شرح الهداية) ١/ ٣٢٨ ط. دار الكتب العلمية ١٤١٥

رد المحتار شرح الدر المختار (حاشية ابن عابدين) ٢/ ٣٠٧ ط. دار الكتب العلمية (بدون تاريخ)

رد المحتار شرح الدر المختار (حاشية ابن عابدين) ٣/ ١٥١ (نقلا عن الخير الرملي في «مطلب في زيارة القبور») ط. دار الكتب العلمية (بدون تاريخ)

شرح مختصر الطحاوي للإمام أبي بكر الجصّاص الرازي ٢/ ٦٨ ط. دار البشائر الإسلامية ١٤٣١

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